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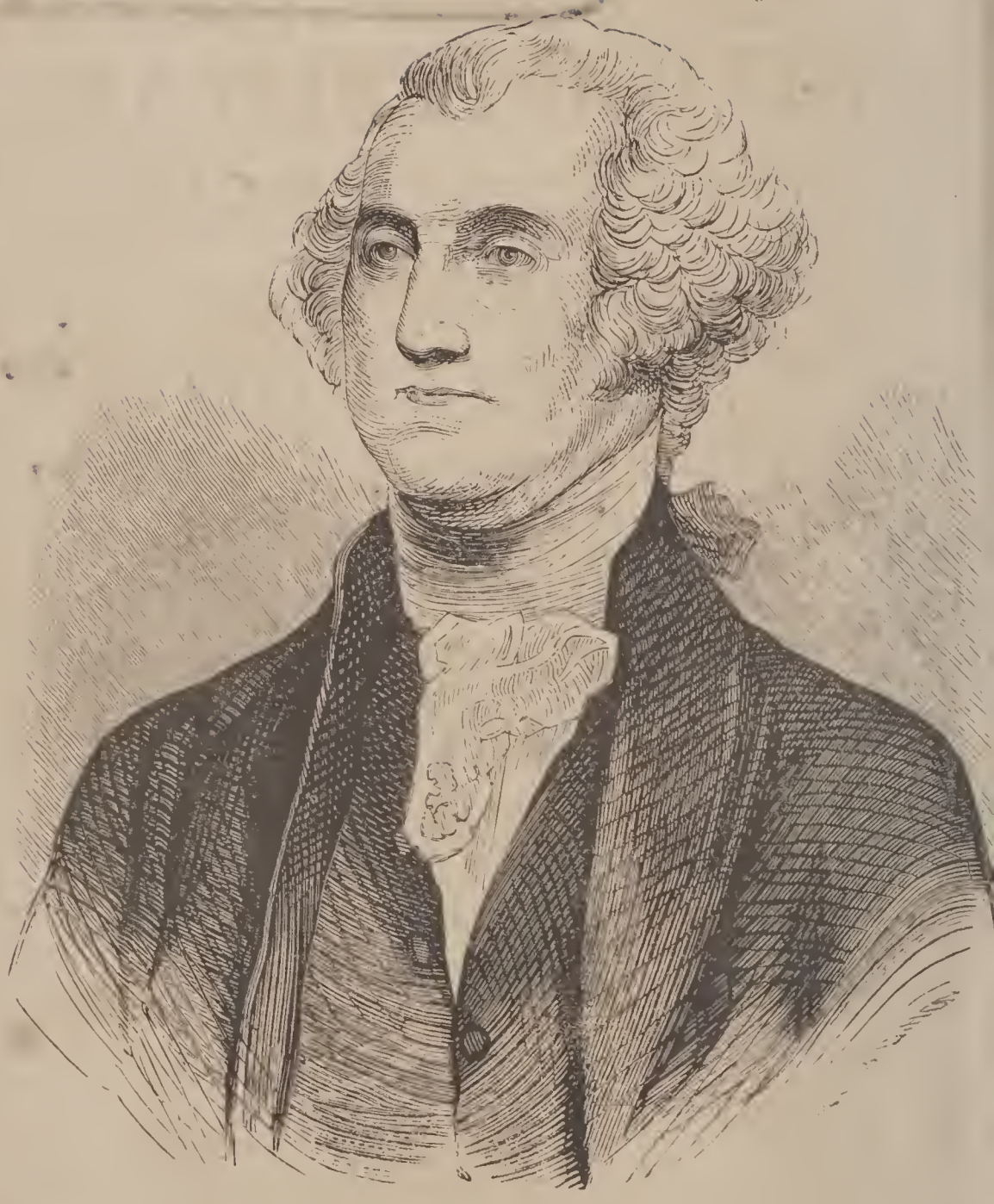

G. Washington

THE

TRUE REPUBLICAN:

CONTAINING THE

INAUGURAL ADDRESSES,

TOGETHER WITH THE

FIRST ANNUAL ADDRESSES AND MESSAGES,

Of all the Presidents of the United States, from 1789 to 1857;

TOGETHER WITH THEIR

FAREWELL ADDRESSES,

AND ILLUSTRATED WITH THE

Portrait of each of the Presidents.

WITH AN APPENDIX,

CONTAINING THE

DECLARATION OF INDEPENDENCE AND CONSTITUTION OF THE UNITED STATES, WITH THE AMENDMENTS AND SIGNERS' NAMES.

ALSO, THE

CONSTITUTIONS OF THE MOST IMPORTANT STATES IN THE UNION.

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BY JONATHAN FRENCH.

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THE TRUE REPUBLICAN.

DECLARATION OF INDEPENDENCE.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments, long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the colonies, and such

is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose, obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration thither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us in time of peace standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us.

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states.

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us, in many cases, of the benefit of trial by jury.

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren or to fall themselves by their hands

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of the attempts by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration, was, by order of Congress engrossed, and signed by the following members:

JOHN HANCOCK.

New Hampshire.
JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.
SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island.
STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.
ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.
WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

New Jersey.
RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.
ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Delaware.
CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

Maryland.
SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, of Carrollton.

Virginia.
GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, Jr.
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.
WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina
EDWARD RUTLEDGE,
THOMAS HEYWARD, Jr.
THOMAS LYNCH, Jr.
ARTHUR MIDDLETON.

Georgia.
BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON

WASHINGTON'S INAUGURAL ADDRESS,

April 30, 1789.

Fellow-Citizens of the Senate
and House of Representatives:

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years, a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health, to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiences. In this conflict of emotions, all that I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be effected. All I dare hope is, that if in executing this task I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality with which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible Hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject farther than to refer to the great constitutional charter under which you are assembled, and which, in

defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that, as on one side, no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests: so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire, since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained, and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the constitution is rendered expedient at the present juncture by the nature of the objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from offi-

cial opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that while you carefully avoid every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department, and must accordingly pray that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave, but not without resorting once more to the benign Parent of the human race, in humble supplication that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

WASHINGTON'S FIRST ANNUAL ADDRESS,

January 8, 1790.

Fellow-Citizens of the Senate
and House of Representatives:

I embrace with great satisfaction the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important state of North Carolina to the constitution of the United States, (of which official information has been received,) the rising credit and respectability of our country, the general and increasing good will towards the government of the Union, and the concord, peace, and plenty, with which we are blessed, are circumstances auspicious, in an eminent degree, to our national prosperity.

In resuming your consultations for the general good, you cannot but derive encouragement from the reflection that the measures of the last session have been as satisfactory to your constituents, as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations, and to secure the blessings which a gracious Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined; to which end a uniform and well-digested plan is requisite: and their safety and interest require that they should promote such manufactures as tend to render them independent of others for essential, particularly military supplies.

The proper establishment of the troops which may be deemed indispensable, will be entitled to mature consideration. In the arrangements which may be made respecting it, it will be of importance to conciliate the com-

fortable support of the officers and soldiers, with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians would have relieved the inhabitants of our southern and western frontiers from their depredations; but you will perceive from the information contained in the papers which I shall direct to be laid before you, (comprehending a communication from the commonwealth of Virginia,) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

The interests of the United States require that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect, in the manner which circumstances may render most conducive to the public good, and, to this end, that the compensations to be made to the persons who may be employed should, according to the nature of their appointments, be defined by law; and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights and measures of the United States, is an object of great importance, and will, I am persuaded, be duly attended to.

The advancement of agriculture, commerce and manufactures, by all proper means, will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home; and of facilitating the intercourse between the distant parts of our country by a due attention to the post office and post roads.

Nor am I less persuaded that you will agree with me in opinion, that there is nothing which can better deserve your patronage than the promotion of science and litera-

ture. Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are intrusted with the public administration, that every valuable end of government is best answered by the enlightened confidence of the people; and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burdens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established; by the institution of a national university; or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

Gentlemen of the House of Representatives:

I saw with peculiar pleasure, at the close of the last session, the resolution entered into by you, expressive of your opinion that an adequate provision for the support of the public credit, is a matter of high importance to the national honor and prosperity. In this sentiment I entirely concur. And, to a perfect confidence in your best endeavors to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interest of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate
and House of Representatives:

I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

The welfare of our country is the great object to which our cares and efforts ought to be directed. And I shall derive great satisfaction from a co-operation with you, in the pleasing, though arduous task of insuring to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

WASHINGTON'S FAREWELL ADDRESS,

SEPTEMBER 17, 1796.

Friends and Fellow-Citizens:

The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice that I should now apprize you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am sup-

ported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external, as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not

permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amidst appearances sometimes dubious—vicissitudes of fortunes often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing wishes, that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution which is the work of your hands may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation, and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly

have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed: it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immoveable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principle. You have, in a common cause, fought and

triumphed together; the independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse, benefitting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated—and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in like intercourse with the *west*, already finds in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west*, derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means

and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government, which their own rivalships alone would be sufficient to produce; but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear you to the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties, by geographical discriminations—*Northern* and *Southern; Atlantic* and *Western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other

districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negociation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government, and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concern. This government, the offspring of your own choice, uninfluenced and unawed; adopted upon full investigation and mature deliberation; completely free in its principles; in the distribution of its powers, uniting security with energy, and containing within itself provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of

our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of party, often a small, but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited,

remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that from the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government with powers properly distributed and adjusted, its surest guardian. It is, indeeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual, and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns

this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human

heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments, ancient and modern; some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular wrong, let it be corrected by an amendment in the way in which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it, is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burdens which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has

connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices!

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachment for others, should be excluded; and that in the place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree, a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occcasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes, perhaps, the liberty of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter, without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will and a dispo

sition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which

are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitude of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the

stream of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit; to warn against the mischiefs of foreign intrigue; to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress,

the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aids of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country, to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and constancy, which is necessary to give it, humanely speaking, the command of its own fortune.

Though in reviewing the incidents of my administration, I am unconscious of intentional error; I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking in the midst of my fellow-citizens, the benign influence of good laws, under a free government; the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

ADAMS' INAUGURAL ADDRESS,

March 4, 1797.

When it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature, and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present number, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people, during the revolutionary war, supplying the place of government, commanded a degree of order, sufficient at least for the temporary preservation of society. The confederation which

John Adams

was early felt to be necessary was prepared from the models of the Batavian and Helvetic confederacies: the only examples which remain, with any detail and precision in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference in so many particulars, between this country and those, where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals, but in states, soon appeared with their melancholy consequences; universal languor; jealousies and rivalries of states; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions and deliberations, issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts; as an experiment better adapted to the genius, character, situation, and relations of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it

was conformable to such a system of government as I had ever most esteemed, and some states, my own native state in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow-citizens, in the adoption or rejection of a constitution which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it, on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the executive and senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their Representatives in Congress and the state legislatures, according to the constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends; and, from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea, that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligencies: but this is very certain, that, to a benevolent human mind, there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress, of a government, in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected, at regular periods, by their neighbors, to make and execute laws for the general good. Can any thing

essential, any thing more than mere ornament and decoration, be added to this by robes and diamonds? Can authority be more amiable and respectable, when it descends from accidents, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people only that are represented: it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours, for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this, can be presented to the human mind? If national pride is ever justifiable, or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves, if we should ever lose sight of the danger to our liberties, if any thing partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party, through artifice or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves. And candid men will acknowledge, that in such cases, choice would have little advantage to boast of, over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated

by prudence, justice, temperance, and fortitude, conducting a people, inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of this country which is opening from year to year. His name may be still a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace. This example has been recommended to the imitation of his successors by both houses of Congress, and by the voice of the legislatures and the people throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but, as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, That,

If a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual states, and a constant caution and delicacy towards the state governments; if an equal and impartial regard to the rights, interest, honor, and happiness of all the states in the Union, without preference or regard to a northern or southern, an eastern or western position, their various political opinions on unessential points, or their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for pro-

pagating knowledge, virtue, and religion, among all classes of the people, not only for their benign influence on the happiness of life in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, the profligacy of corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice, and humanity in the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by this government, and so solemnly sanctioned by both houses of Congress, and applauded by the legislatures of the states and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years, chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue by amicable negociation a reparation for the injuries that have been committed on the commerce of our fellow-citizens by whatever nation; and if success cannot be obtained, to lay the facts before the legislature, that they may consider what further measures the honor and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honor, spirit, and re-

sources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured, but exalted by experience and age; and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree to comply with your wishes, it shall be my strenuous endeavor, that this sagacious injunction of the two houses shall not be without effect.

With this great example before me, with the sense and spirit, the faith and honor, the duty and interest, of the same American people, pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy, and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is supreme over all, the Patron of order, the Fountain of justice, and the Protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration consistent with the ends of his Providence.

ADAMS' FIRST ANNUAL ADDRESS,

November 23, 1797.

Gentlemen of the Senate
and House of Representatives:

I was for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the national legislature at some other place. This measure it was

desirable to avoid, because it would occasion much public inconvenience, and a considerable public expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow-citizens; therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination, having hopes, now happily realized, that, without hazard to the lives of the members, Congress might assemble at this place, where it was by law next to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the constitution, upon such occasions, would not be a useful amendment to the law of one thousand seven hundred and ninety-four.

Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea; we have, nevertheless, abundant cause of gratitude to the Source of benevolence and influence, for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements, and above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

Our envoys extraordinary to the French republic embarked, one in July, the other early in August to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journey to Paris, within a few days of the 19th of September. Whatever may be the result of this mission, I trust that nothing will have been omitted, on my part, to conduct the negociation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interest of the United States. Nothing, in the mean time, will contribute so much to the preservation of peace, and the attainment of justice, as a manifestation of that energy and unanimity, of which, on many former occasions, the people of the United States have given such memorable proofs,

and the exertion of those resources for national defence which a beneficent Providence has kindly placed within their power.

It may be confidently asserted, that nothing has occurred, since the adjournment of Congress, which renders inexpedient those precautionary measures recommended by me to the consideration of the two houses, at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negociation with France, and whether the war in Europe is, or is not, to continue, I hold it most certain, that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honor have been so impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force; while pride, ambition, avarice, and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation, that a commerce without protection or defence will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits of the people are highly commercial; their cities have been formed and exist upon commerce; our agriculture, fisheries, arts, and manufactures, are connected with and depend upon it. In short, commerce has made this country what it is, and it cannot be destroyed or neglected without involving the people in poverty and distress. Great numbers are directly and solely supported by navigation; the faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I have entertained an expectation that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with his Catholic majesty, respecting the withdrawing of his troops from our territory, and the demarkation of the line of limits; but, by the latest authentic intelligence, Spanish garrisons were still continued within our country, and the running of the boundary line had not been commenced; these circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope that the answers which have been given will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged it proper that we should continue in readiness to receive the posts, and to run the line of limits. Further information on this subject will be communicated in the course of the session.

In connection with this unpleasant state of things on our western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States; great activity has been exerted by those persons who have insinuated themselves among the Indian tribes residing within the territory of the United States, to influence them to transfer their affections and force to a foreign nation, to form them into a confederacy, and prepare them for a war against the United States. Although measures have been taken to counteract these infractions of our rights, to prevent Indian hostilities, and to preserve entire their attachment to the United States, it is my duty to observe, that, to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law providing adequate punishment for such offences may be necessary.

The commissioners appointed under the fifth article of the treaty of amity, commerce and navigation between the United States and Great Britain, to ascertain the river which was truly intended under the name of the river St. Croix, mentioned in the treaty of peace. met at Passa

maquoddy Bay, in October, one thousand seven hundred and ninety-six, and viewed the mouths of the rivers in question, and adjacent shores on the islands; and being of opinion, that actual surveys of both rivers, to their sources, were necessary, gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston, in August. They met; but the surveys requiring more time than had been supposed, and not being then completed, the commissioners again adjourned to meet at Providence, in the state of Rhode Island, in June next, when we may expect a final examination and decision.

The commissioners appointed in pursuance of the sixth article of the treaty, met at Philadelphia, in May last, to examine the claims of British subjects for debts contracted before the peace, and still remaining due to them from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations; but the business is now resumed, and doubtless will be prosecuted without interruption.

Several decisions on the claims of the citizens of the United States for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made by the commissioners in London, conformably to the seventh article of the treaty. The sums awarded by the commissioners have been paid by the British government; a considerable number of other claims, where costs and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

The commissioners appointed, agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia, in the summer past, to examine and decide on the claims of our citizens for losses they have sustained in consequence of their vessels and cargoes having been taken by the subjects of his Catholic majesty, during the late war between Spain and France. Their sittings have been interrupted, but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the commissioners acting under the sixth article of the treaty with Great Britain, and for the losses and damages sustained by British subjects, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States, and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the commissioners, acting under the seventh article of the same treaty; it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by the cruisers of the French republic, and of some of those of Spain, have occasioned considerable expenses in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose, have, in divers instances, been disbursed by the consuls of the United States. By means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence, and the sick, in particular, have been exposed to grievous sufferings. The consuls have, in these cases also, advanced money for their relief; for these advances they reasonably expect reimbursements from the United States.

The consular act, relative to seamen, requires revision and amendment; the provisions for their support in foreign countries, and for their return, are found to be inadequate and ineffectual. Another provision seems necessary to be added to the consular act; some foreign vessels have been discovered sailing under the flag of the United States, and with forged papers; it seldom happens that the consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea-letters.

Gentlemen of the House of Representatives:

It is my duty to recommend to your serious consideration those objects, which, by the constitution, are placed particularly within your sphere, the national debts and taxes

Since the decay of the feudal system, by which the public defence was provided for chiefly at the expense of individuals, the system of loans has been introduced; and as no nation can raise within the year, by taxes, sufficient sums for the defence and military operations in time of war, the sums loaned and debts contracted have necessarily become the subjects of what have been called funding systems. The consequences arising from the continual accumulation of public debts in other countries, ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for, as well as the support of government; but both should be accomplished, as much as possible, by immediate taxes, and as little as possible by loans.

The estimates for the service of the ensuing year, will by my direction, be laid before you.

Gentlemen of the Senate,
and House of Representatives:

We are met together at a most interesting period. The situations of the principal powers of Europe are singular and portentous. Connected with some by treaties, and with all by commerce, no important event there can be indifferent to us. Such circumstances call with peculiar importunity, not less for a disposition to unite in all those measures on which the honor, safety, and prosperity of our country depend, than for all the exertions of wisdom and firmness.

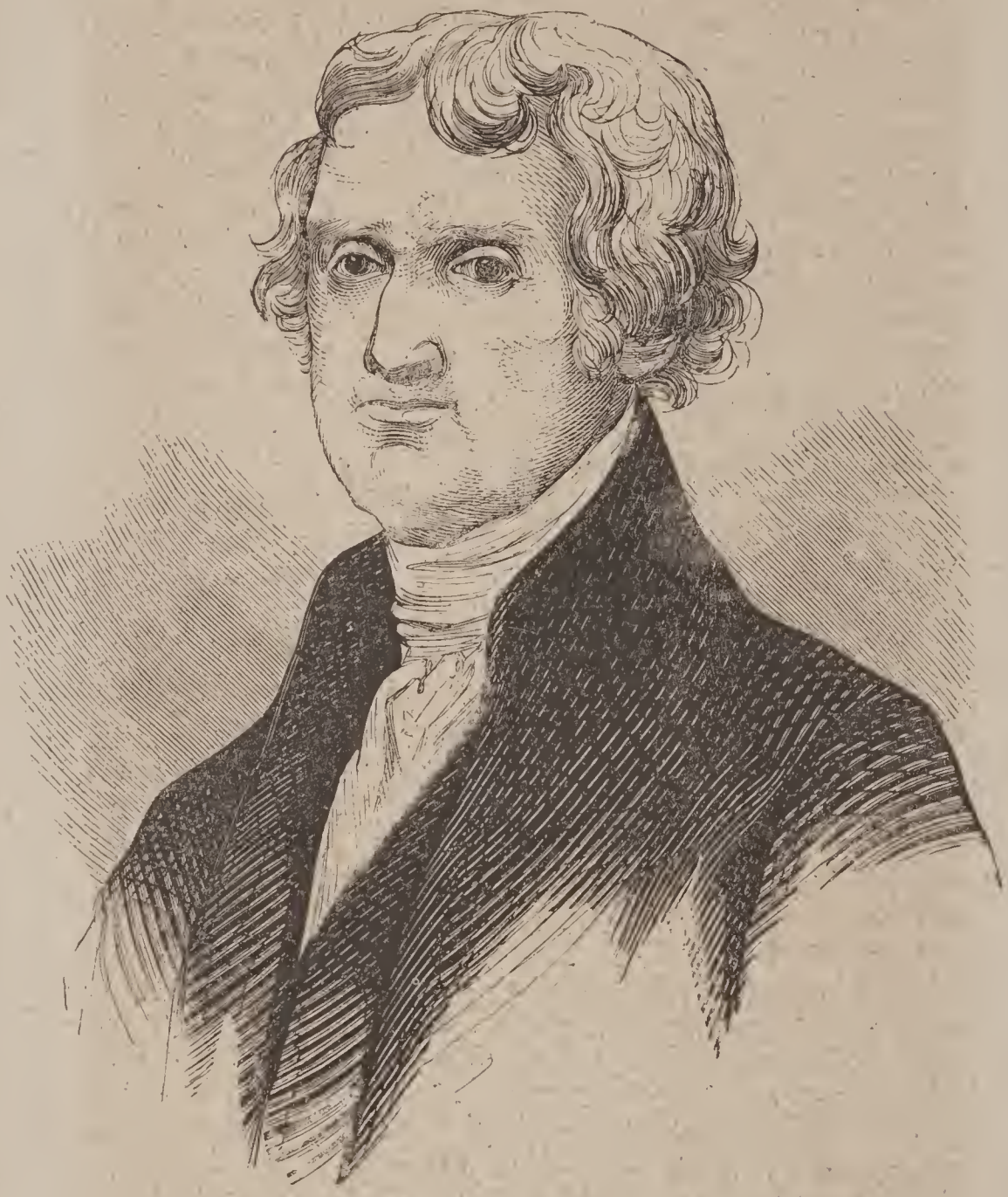
In all such measures, you may rely on my zealous and hearty concurrence.

JEFFERSON'S INAUGURAL ADDRESS,

March 4, 1801.

Friends and Fellow-citizens:

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here as-



Th. Jefferson.

sembled, to express my grateful thanks for the favor with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many whom I here see remind me that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentleman, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate, would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony, and affection, without which liberty, and even life itself, are but dreary things. And let us reflect, that,

having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some, and less by others; that this should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans; we are all federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know indeed that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the laws, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others; or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence, pursue our own federal and republican principles, our attachment to our union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a

chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed indeed and practised in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principles, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; a mild and safe corrective of abuses, which are lopped by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the de-

cisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; and freedom of person, under the protection of the habeas corpus; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment: they should be the creed of our political faith; the text of civil instruction; the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and great revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your sup

port against the errors of others, who may condem what they would not, if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

DECEMBER 8, 1801.

SIR: The circumstances under which we find ourselves at this place rendering inconvenient the mode heretofore practised, of making by personal address the first communication between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the inconvenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, sir, to communicate the enclosed message, with the documents accompanying it, to the honorable the Senate, and pray you to accept, for yourself and them, the homage of my high respect and consideration

THOMAS JEFFERSON.

The Hon. the
PRESIDENT OF THE SENATE.

JEFFERSON'S FIRST ANNUAL MESSAGE

DECEMBER 8, 1801.

Fellow-citizens of the Senate,
and House of Representatives:

It is a circumstance of sincere gratification to me that, on meeting the great council of our nation, I am able to announce to them, on grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister-nations, have at length come to an end, and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound, with peculiar gratitude, to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth, and to practise and improve those arts which tend to increase our comforts. The assurances indeed, of friendly disposition, received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence, and strengthens, at the same time, the hope that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past, and new assurances for the future.

Among our Indian neighbors, also, a spirit of peace and friendship generally prevails: and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence, over the precarious resources of hunting and fishing; and already

we are able to announce that, instead of that constant diminution of their numbers, produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace; but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war. His cruisers were out. Two had arrived at Gibralter. Our commerce in the Mediterranean was blockaded, and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers, having fallen in with and engaged the small schooner Enterprise, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel, being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are now to reduce the ensuing ratio of representation and taxation. You will perceive that the increase of numbers, during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplication of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone; and, though the changes of foreign relations now taking place, so desirable for the world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes—comprehending excise, stamps, auctions, licenses, carriages, and refined sugars; to which the postage on newspapers may be added, to facilitate the progress of information; and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the inte-

rest of the public debts, and to discharge the principals within shorter periods than the laws of the general expectation had contemplated. War, indeed, and untoward events, may change this prospect of things, and call for expenses which the imposts could not meet. But sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen, but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation that a sensible, and, at the same time, a salutary reduction may take place in our habitual expenditures. For this purpose, those of the civil government, the army, and navy, will need revisal. When we consider that this government is charged with the external and mutual relations only of these states; that the states themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you, an essay towards a statement of those who, under public employment of various kinds, draw money from the treasury, or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on executive discretion, I have begun the reduction of what was deemed necessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue, who were found to obstruct the accountability of the institution, have been discontinued. Several agencies, created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction Other reformations of the same kind will be pursued with that caution which is requisite, in removing useless things, not to injure what is retained. But the

great mass of public offices is established by law, and therefore by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and try all its parts by the test of public utility, they may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behoves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the whole residue of what it was instituted to guard.

In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the Secretary of the Treasury, will, as usual, be laid before you. The success which has attended the late sales of the public lands shows that, with attention, they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt, will show that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will, of course, be effected by such modifications of the system of expense as you shall think proper to adopt.

A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is

considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading foe, it is best to rely, not only to meet the first attack, but, if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should, at every session, continue to amend the defects which from time-to time show themselves in the laws for regulating the militia, until they are sufficiently perfect; nor should we now or at any time separate until we can say we have done every thing for the militia which we could do were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appro priate for naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigency calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution, admits

of some doubt. A statement of the expenses already incurred on that subject is now laid before you. I have, in certain cases, suspended or slackened these expenditures, that the legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on; and five of the seven frigates directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents, and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, so far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any attention is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be

seasonably interposed. If, in the course of your observations or inquiries, they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worthy your consideration, whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those states where they are named by a marshal depending on executive will, or designated by the court, or by officers dependent on them.

I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years, is a denial to a great proportion of those who ask it; and controls a policy pursued, from their first settlement, by many of these states, and still believed of consequence to their prosperity. And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required

sufficient to develope character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppres it.

These, fellow-citizens, are the matters respecting the state of the nation which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and will. That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and state governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of government

James Madison.

MADISON'S INAUGURAL ADDRESS,

MARCH 4, 1809.

Unwilling to depart from examples of the most revere authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel; and that of our own country full of difficulties. The pressure of these too is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments every where multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country, to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor, as I trust, on any invol-

untary errors in the public councils. Indulging no passions which tresspass on the rights or repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice; and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity, at least, will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued, in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce a revocation of them, cannot be anticipated. Assuring myself that, under every vicissitude, the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles, which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having corresponding dispositions; to maintain sincere neutrality towards belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries, and so baneful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the states as the basis of their peace and happiness; to support the constitution, which is the

cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the states and to the people, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy, the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts, to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics—that without standing armies their liberty can never be in danger, nor with large ones safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor, in like manner, the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state: as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread, lighted by examples of illustrious services, successfully rendered in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies, is in the well-tried intelligence

and virtue of my fellow-citizens, and in the counsels of those representing them in the best other departments associated in the care of the national interests. In these my confidence will under every difficulty be placed, next to that in which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

MADISON'S FIRST ANNUAL MESSAGE,

November 29, 1809.

Fellow-citizens of the Senate,
and House of Representatives:

At the period of our last meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so, as presaging a more extended accommodation. It is with deep concern I am now to inform you, that the favorable prospect has been overclouded by a refusal of the British government to abide by the act of its minister plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries, in cases where, by the terms of the engagements, a mutual ratification is reserved; or where notice at the time may have been given of a departure from instructions; or in extraordinary cases, essentially violating the principles of equity: a disavowal could not have been apprehended in a case where no such notice or violation existed; where no such ratification was reserved; and, more especially,

where, as is now in proof, an engagement, to be executed without any such ratification, was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution on the part of the United States.

These considerations not having restrained the British government from disavowing the arrangement, by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions fro n the Secretary of the Treasury, now laid before you, were transmitted to the collectors of the several ports. If, in permitting British vessels to depart without giving bonds not to proceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt that no individuals should be injured by so unforeseen an occurrence: and I rely on the regard of Congress for the equitable interests of our own citizens, to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to allevi ate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted, that it would at least be charged with conciliatory explanations of the steps which had been taken, and with proposals to be substituted for the rejected arrange ment. Reasonable and universal as this expectation was,

it also has not been fulfilled. From the first official disclosures of the new minister, it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed, nor any authority to substitute proposals, as to that branch which concerned the British orders in council. And finally, that his proposals with respect to the other branch, the attack on the frigate Chesapeake, were founded on a presumption, repeatedly declared to be inadmissible by the United States, that the first step towards adjustment was due from them; the proposals, at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws and British practice, than to the principles and obligations of the United States.

The correspondence between the Department of State and this minister will show how unessentially the features presented in its commencement have been varied in its progress. It will show, also, that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic majesty, through the minister plenipotentiary of the United States in London. And it would indicate a want of the confidence due to a government which so well understands and exacts what becomes foreign ministers near it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted It will be happy, if the change in this respect should be accompanied by a favorable revision of the unfriendly policy which has been so long pursued towards the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favorable change. The re-

sult of the several communications made to her government, in pursuance of the authorities vested by Congress in the executive, is contained in the correspondence of our minister at Paris now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the legislature, how far both the safety and honor of the American flag may be consulted, by adequate provision against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions, under which the honest commerce of their fellow-citizens has suffered.

In relation to the powers on the coast of Barbary, no thing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued towards them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the Secretary of War, it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defence which was contemplated; and that a further time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armories, the supply of small arms, of an improving quality, appears to be annually increasing at a rate that, with those made on private contract, may be expected to go far towards providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations, authorized by the act of the ses-

sion preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations, for which the United States ought to be prepared.

The sums which had been previously accumulated in the treasury, together with the receipts during the year ending on the 30th of Septembar last, (and amounting to more than nine millions of dollars,) have enabled us to fulfil all our engagements, and to defray the current expenses of government, without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the national legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation conscious both of its rectitude and of its rights, and careful as well of its honor, as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our com-

James Monroe

torts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In the cultivation of the materials, and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection, that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts, by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures, of which our own are now taking the place.

Recollecting always, that, for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same Omnipotent Source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

MONROE'S INAUGURAL ADDRESS,

March 5, 1817.

I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office, whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification, which those who are conscious of having done all that they could do to merit it, can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties; with the proper discharge of which the highest interests of a great and free people

are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a principal degree, to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution, twenty-eight. Through this whole term, the government has been what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

Under this constitution our commerce has been wisely regulated with foreign nations, and between the states; new states have been admitted into our Union; our territory has been enlarged by fair and honorable treaty, and with great advantage to the original states; the states respectively protected by the national government, under a mild paternal system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity which are the best proofs of wholesome laws well administered. And if we look to the

condition of individuals, what a proud spectacle does it exhibit? On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some who might admit the competency of our government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have of late only been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest, to demand justice from the party committing the injury, and to cultivate by a fair and honorable conduct, the friendship of all. War became at length inevitable, and the result has shown that our government is equal to that, the greatest of trials under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy, and the militia, I need not speak.

Such, then, is the happy government under which we live; a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognized by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our union, and to cling to the govern-

ment which supports it. Fortunate as we are in our po litical institutions, we have not been less so in other cir cumstances on which our prosperity and happiness essen tially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes, and beyond the resources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed too with a fertile soil, our produce has always been very abundant, leaving even in years the least favorable, a surplus for the wants of our fellow-men in other countries. Such is our peculiar felicity, that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of our nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the north, engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force, thus formed and reared up for the support of our common rights. Our manufacturers find a generous encouragement by the policy which patronizes domestic industry; and the surplus of our produce, a steady and profitable market by local wants in less favored parts at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject, it may be asked, what raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our Union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain and pass with glory through the late war? The government has been in the hands of the people. To the

people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While then the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavor to preserve it in full force. Let us by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may again be involved in war, and it may in that event be the object of the adverse party to overset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our government may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonitions of experience if we did not expect it. We must support our rights, or lose our character, and with it, perhaps, our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen, is national strength It ought therefore to be cherished.

To secure us against these dangers, our coast and

inland frontiers should be fortified, our army and navy regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion, by a naval force, superior to our own, aided by a few thousand land troops, would expose us to a greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes. The former to garrison and preserve our fortifications, and to meet the first invasions of a foreign foe; and while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in state of peace, might aid in maintaining the neutrality of the United States with dignity, in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view, that the safety of these states, and of every thing dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force, which it would comport, either with the principles of our government, or the circumstances of the United States to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency

The arrangement should be such as to put at the command of the government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention; among which, the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow-citizens, much to the ornament of the country, and what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States—a territory so vast, and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

Our manufactures will, likewise, require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agri-

culture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue, and the flourishing state of the treasury are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, puts it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparations of every kind: it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

The executive is charged, officially, in the departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the executive, to enable it to bring the public agents intrusted with the public money, strictly and promptly to account. Nothing should be presumed against them: but if, with the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the administration, which will be felt by the whole community. I shall do all that I can to secure economy and fidelity in this important branch of the administration and I doubt not that the legislature will

perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the executive, on just principle with all nations, claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection, and a faithful regard to every interest connected with it. To promote this harmony, in accordance with the principles of our republican government, and in a manner to give them the most complete effect, and to advance, in all other respects, the best interests of our country, will be the object of my constant and zealous exertions.

Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic; of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our government has approached to perfection; that in respect to it we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the

support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the administration of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy in his retirement the affections of a grateful country, the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens, with my fervent prayers to the Almighty that he will be graciously pleased to continue to us that protection which he has already so conspicuously displayed in our favor.

MONROE'S FIRST ANNUAL MESSAGE,

December 3, 1817.

Fellow-Citizens of the Senate
and House of Representatives:

At no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The public credit has attained an extraordinary elevation. Our preparations for defence, in case of future wars, from which, by the experience of all nations, we ought not expect to be exempted, are advancing, under a well-digested

system, with all the despatch which so important a work will admit. Our free government, founded on the interests and affections of the people, has gained, and is daily gaining strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous and highly important, it is our duty to unite in grateful acknowledgments to that Omnipotent Being, from whom they are derived, and in unceasing prayer that he will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity.

I have the satisfaction to inform you, that an arrangement, which had been commenced by my predecessor, with the British government, for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded; by which it is provided, that neither party shall keep in service on lake Champlain more than one vessel; on lake Ontario, more than one; on lake Erie and the upper lakes, more than two; to be armed, each with one cannon only, and that all the other armed vessels of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed, that the force retained shall be restricted in its duty to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired after notice having been given by one of the parties to the other of its desire that it should terminate. By this arrangement, useless expense on both sides, and what is of greater importance, the danger of collision between armed vessels in those inland waters, which was great, is prevented.

I have the satisfaction also to state, that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the bay of Passamaquoddy belonged, under the treaty of one thousand seven hundred and eighty-three, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent, for the settlement of the boundaries, have also been engaged in the discharge of their

respective duties, but have not yet completed them. The difference which arose between the two governments under the treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces, north of our limits, which had been secured by the treaty of one thousand seven hundred and eighty-three, is still in negotiation. The proposition made by this government, to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports of Europe had been placed on a footing of equality, has been declined by the British government. This subject having been thus amicably discussed between the two governments, and it appearing that the British government is unwilling to depart from its present regulations, it remains for Congress to decide whether they will make any other regulations in consequence thereof, for the protection and improvement of our navigation.

The negotiation with Spain, for spoliations on our commerce, and the settlement of boundaries, remains essentially in the state it held in the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish government to keep the negotiation suspended, and in this the United States have acquiesced, from an amicable disposition towards Spain, and in the expectation that her government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish government to move in the negotiation, which has been met by this government, and should the conciliatory and friendly policy which has invariably guided our councils, be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark that no proposition has yet been made from which such a result can be presumed.

It was anticipated, at an early stage, that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable, also, that the prosecution of the conflict, along our coast, and in contiguous coun-

tries, would occasionally interrupt our commerce, and otherwise affect the persons and property of our citizens, These anticipations have been realized. Such injuries have been received from persons acting under the authority of both the parties, and for which redress has, in some instances been withheld. Through every stage of the conflict, the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights. Our ports have been open to both, and every article the fruit of our soil, or of the industry of our citizens, which either was permitted to take, has been equally free to the other. Should the colonies establish their independence, it is proper now to state that this government neither seeks nor would accept from them any advantage in commerce or otherwise, which will not be equally open to all other nations. The colonies will in that event become independent states, free from any obligation to, or connexion with us, which it may not then be their interest to form on a basis of fair reciprocity.

In the summer of the present year, an expedition was set on foot against East Florida, by persons claiming to act under authority of some of the colonies, who took possession of Amelia Island, at the mouth of St. Mary's river, near the boundary of the state of Georgia. As the province lies eastward of the Mississippi, and is bounded by the United States and the ocean on every side, and has been a subject of negotiation with the government of Spain, as an indemnity for losses by spoliation, or in exchange of territory of equal value, westward of the Mississippi, a fact well known to the world, it excited surprise that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained whether it had been authorized by them, or any of them. This doubt has gained strength, by the circumstances which have unfolded themselves in the proso-

cution of the enterprise, which have marked it as a mere private unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us, the island being made a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring states, and a port for smuggling of every kind.

A similar establishment was made, at an earlier period, by persons of the same description in the Gulf of Mexico, at a place called Galveston, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked in a more signal manner by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce, and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust and forfeited all claim to consideration. A just regard for the rights and interests of the United States required that they should be suppressed, and orders have accordingly been issued to that effect. The imperious considerations which produced this mea sure will be explained to the parties whom it may in any degree concern.

To obtain correct information on every subject in which the United States are interested; to inspire just sentiments in all persons in authority, on either side, of our friendly disposition, so far as it may comport with an impartial neutrality, and to secure proper respect to our commerce in every port, and from every flag, it has been thought proper to send a ship of war, with three distinguished citizens along the southern coast, with instructions to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of, and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries, committed by persons acting under them

be obtained; by them alone can the commission of the like in future be prevented.

Our relations with the other powers of Europe have experienced no essential change since the last session. In our intercourse with each, due attention continues to be paid to the protection of our commerce, and to every other object in which the United States are interested. A strong hope is entertained, that by adhering to the maxims of a just, candid, and friendly policy, we may long preserve amicable relations with all the powers of Europe, on conditions advantageous and honorable to our country.

With the Barbary states and the Indian tribes, our pacific relations have been preserved.

In calling your attention to the internal concerns of our country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil government and of the military and naval establishments, embracing suitable provision for fortification and for the gradual increase of the navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than six millions of dollars will remain in the treasury on the first day of January, applicable to the current service of the ensuing year.

The payments into the treasury during the year one thousand eight hundred and seventeen, on account of imports and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at twenty millions of dollars; internal revenues, at two millions five hundred thousand; public lands, at one million five hundred thousand; bank dividends and incidental receipts, at five hundred thousand; making, in the whole, twenty-four millions and five hundred thousand dollars.

The annual permanent expenditure for the support of the civil government, and of the army and navy, as now established by law, amounts to eleven millions eight hu

dred thousand dollars; and for the sinking fund, to ten millions; making, in the whole, twenty-one millions eight hundred thousand dollars; leaving an annual excess of revenue, beyond the expenditure, of two millions seven hundred thousand dollars, exclusive of the balance estimated to be in the treasury on the 1st day of January one thousand eight hundred and eighteen.

In the present state of the treasury, the whole of the Louisiana debt may be redeemed in the year 1819; after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended, until the year 1825, when the loan of 1812, and the stock created by funding treasury notes will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819, from the proceeds of the public lands assigned to that object; after which the receipts from those lands will annually add to the public revenue the sum of one million five hundred thousand dollars, making the permanent annual revenue amount to twenty-six millions of dollars, and leaving an annual excess of revenue after the year 1819, beyond the permanent authorized expenditure, of more than four millions of dollars.

By the last returns to the department of war, the militia force of the several states may be estimated at eight hundred thousand men, infantry, artillery, and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the militia, is one of the great objects which claim the unremitted attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantic and inland frontiers.

Of the naval force, it has been necessary to maintain strong squadrons in the Mediterranean and in the Gulf of Mexico.

From several of the Indian tribes, inhabiting the country bordering on Lake Erie, purchases have been made of lands, on conditions very favorable to the United States and, it is presumed, not less so to the tribes themselves

By these purchases the Indian title, with moderate reservations, has been extinguished to the whole of the land within the state of Ohio, and to a great part of that in Michigan territory, and of the state of Indiana. From the Cherokee tribe a tract has been purchased in the state of Georgia, and an arrangement made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole of the land belonging to the tribe, eastward of that river, in the states of North Carolina, Georgia, and Tennessee, and in the Alabama territory, will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the state of Ohio, along Lake Erie, into the Michigan territory, and to connect our settlements by degrees, through the state of Indiana and the Illinois territory, to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the states and territory which border on the waters emptying into the Mississippi and the Mobile. In this progress, which the rights of nature demand, and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservation of land made by the treaties with the tribes on Lake Erie, were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress. whether other provisions, not stipulated by the treaty, ought to be made for these tribes, and for the advancement of the liberal and humane policy of the United States towards all the tribes within our limits, and more

particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded the security which may thereby be afforded to our inland frontier is peculiarly important. With a strong barrier, consisting of our own people thus planted on the lakes, the Mississippi and the Mobile, with the protection to be derived from the regular force, Indian hostilities, if they do not altogether cease, will henceforth lose their terror. Fortifications in those quarters to any extent will not be necessary, and the expense attending them may be saved. A people accustomed to the use of fire-arms only, as the Indian tribes are, will shun even moderate works which are defended by cannon. Great fortifications will therefore be requisite only in future along the coast, and at some points in the interior connected with it. On these will the safety of towns and the commerce of our rivers, from the bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill and labor be bestowed.

A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations will be dissipated even in the most remote parts. Several new states have been admitted into our Union to the west and south, and territorial governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration, which has heretofore been great, will probably increase, and the demand for land, and the augmentation in its value, be in like proportion. The great increase of our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emi-

grants, consistent with a fair competition between them · but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth, under any mode of sale which may be adopted. But if, looking forward to the rise in the value of the public lands, they should have the opportunity of amassing, at a low price, vast bodies in their hands, the profit will accrue to them, and not to the public. They would also have the power, in that degree, to control the emigration and settlement in such a manner as their opinion of their respective interests might dictate. I submit the subject to the consideration of Congress, that such further provision may be made of the sale of the public lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper after what has passed, that this discussion should be revived with an uncertainty of my opinion respecting the

right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance, and a just sense of my duty, required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states an adoption of an amendment to the constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our republican institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction that the power is necessary, it will be granted.

In this case, I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony, which now manifests itself throughout our Union, promises to such a recommendation the most prompt and favorable result. I think proper to suggest, also, in case this measure is adopted, that it be recommended to the states to include in the amendment sought, a right in Congress to institute, likewise, seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow-citizens throughout the United States.

Our manufactures will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge required in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted the capitol is not yet in a state to receive you

There is good cause to presume that the two wings, the only parts as yet commenced, will be prepared for that purpose the next session. The time seems now to have arrived, when this subject may be deemed worthy of the attention of Congress, on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees, and various officers belonging to it. It is evident that the other public buildings are altogether insufficient for the accommodation of the several executive departments; some of whom are much crowded, and even subject to the necessity of obtaining it in private buildings, at some distance from the head of the department, and with inconvenience to the management of the public business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republics. The policy which dictated the establishment of a permanent residence for the national government, and the spirit in which it was commenced and has been prosecuted, show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west, at the head of a great navigable river, which interlocks with the western waters, prove the wisdom of the councils which established it.

Nothing appears to be more reasonable and proper, than that convenient accommodation should be provided, on a well-digested plan, for the heads of the several departments, and for the attorney-general; and it is believed that the public ground in the city, applied to these objects, will be found amply sufficient. I submit this subject to the consideration of Congress, that such provision may be made in it, as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn, with peculiar interest, to the surviving officers and soldiers of our revolutionary army, who so eminently contributed, by their services, to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It

is believed, that among the survivors there are some not provided for by existing laws, who are reduced to indigence, and even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more, and the opportunity will be forever lost; indeed, so long already has been the interval, that the number to be benefitted by any provision which may be made, will not be great.

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage, and from the sale of public lands, will be fully adequate to the support of the civil government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interests on the public debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes when the public exigencies require them, is an obligation of the most sacred character, especially with a free people. The faithful fulfilment of it is among the highest proofs of their virtue and capacity for self-government. To dispense with taxes, when it may be done with perfect safety, is equally the duty of their representatives. In this instance, we have the satisfaction to know that they are imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add, that however gratifying it may be to me, regarding the prosperous and happy condition of our country, to recommend the repeal of these taxes at this time, I shall, nevertheless, be attentive to events, and should any future emergency occur, be not less prompt to suggest such measures and burdens as may then be requisite and proper.

J. Q. Adams

J. Q. ADAMS INAUGURAL ADDRESS

March 4, 1825.

In compliance with a usage coeval with the existence of our federal constitution, and sanctioned by the example of my predecessors in the career upon which I am about to enter, I appear, my fellow-citizens, in your presence, and in that of Heaven, to bind myself, by the solemnities of a religious obligation, to the faithful performance of the duties allotted to me, in the station to which I have been called.

In unfolding to my countrymen the principles by which I shall be governed in the fulfilment of those duties my first resort will be to that constitution, which I shall swear, to the best of my ability, to preserve, protect, and defend. That revered instrument enumerates the powers and prescribes the duties of the executive magistrate; and, in its first words, declares the purposes to which these, and the whole action of the government, instituted by it, should be invariably and sacredly devoted—to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of this Union, in their successive generations. Since the adoption of this social compact, one of these generations have passed away. It is the work of our forefathers. Administered by some of the most eminent men who contributed to its formation, through a most eventful period in the annals of the world, and through all the vicissitudes of peace and war, incidental to the condition of associated man, it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country, so dear to us all; it has, to an extent far beyond the ordinary lot of humanity, secured the freedom and happiness of this people We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples they have left us, and by the blessings which

we have enjoyed, as the fruit of their labors, to transmit the same, unimpaired, to the succeeding generations.

In the compass of thirty-six years, since this great national covenant was instituted, a body of laws enacted under its authority, and in conformity with its provisions, has unfolded its powers, and carried into practical operation its effective energies. Subordinate departments have distributed the executive functions in their various relations to foreign affairs, to the revenue and expenditures, and to the military force of the Union by land and sea. A co-ordinate department of the judiciary has expounded the constitution and the laws; settling, in harmonious coincidence with the legislative will, numerous weighty questions of construction which the imperfection of human language had rendered unavoidable. The year of jubilee, since the first formation of our Union has just elapsed; that of the declaration of independence is at hand. The consummation of both was effected by this constitution. Since that period, a population of four millions has multiplied to twelve. A territory, bounded by the Mississippi, has been extended from sea to sea. New states have been admitted to the Union, in numbers nearly equal to those of the first confederation. Treaties of peace, amity, and commerce, have been concluded with the principal dominions of the earth. The people of other nations, inhabitants of regions acquired, not by conquest but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings. The forest has fallen by the axe of our woodsman; the soil has been made to teem by the tillage of our farmers; our commerce has whitened every ocean. The dominion of man over physical nature has been extended by the invention of our artists. Liberty and law have marched hand in hand. All the purposes of human association have been accomplished as effectively as under any other government on the globe; and at a cost, little exceeding, in a whole generation, the expenditures of other nations in a single year.

Such is the unexaggerated picture of our condition under a constitution founded upon the republican principle of equal rights. To admit that this picture has its

shades, is but to say that it is still the condition of men upon earth. From evil, physical, moral and political, it is not our claim to be exempt. We have suffered sometimes by the visitation of Heaven, through disease; often by the wrongs and injustices of other nations, even to the extremities of war; and lastly, by dissensions among ourselves—dissensions, perhaps, inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the Union, and, with it the overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various, founded upon differences of speculation in the theory of republican government; upon conflicting views of policy, in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions, which strangers to each other are ever apt to entertain.

It is a source of gratification and of encouragement to me, to observe that the great result of this experiment upon the theory of human rights has, at the close of that generation by which it was formed, been crowned with success equal to the most sanguine expectations of its founders. Union, justice, tranquillity, the common defence, the general welfare, and the blessings of liberty, all have been promoted by the government under which we have lived. Standing at this point of time; looking back to that generation which has gone by, and forward to that which is advancing, we may at once indulge in grateful exultation and in cheering hope. From the experience of the past, we derive instructive lessons for the future. Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit that both have contributed splendid talents, spotless integrity, ardent patriotism and disinterested sacrifices, to the formation and administration of this government; and that both have required a liberal indulgence for a portion of human infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the government of the United States first went into operation under this constitution, excited a collision of sentiments and of sympathies, which kin-

dled all the passions, and embittered the conflict of parties till the nation was involved in war, and the Union was shaken to its centre. This time of trial embraced a period of five-and-twenty years, during which the policy of the Union, in its relations with Europe, constituted the principal basis of our political divisions, and the most arduous part of the action of our federal government. With the catastrophe in which the wars of the French revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time, no difference of principle, connected either with the theory of government, or with our intercourse with foreign nations has existed, or been called forth in force sufficient to sustain a continued combination of parties, or give more than wholesome animation to public sentiment or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source, and the happiness of the people the end, of all legitimate government upon earth. That the best security for the beneficence, and the best guaranty against the abuse of power, consists in the freedom, the purity, and the frequency of popular elections. That the general government of the Union, and the separate governments of the states, are all sovereignties of legitimated powers; fellow-servants of the same masters, uncontrolled within their respective spheres, uncontrollable by encroachments upon each other. That the firmest security of peace is the preparation during peace of the defences of war. That a rigorous economy, and accountability of public expenditures, should guard against the aggravation, and alleviate, when possible, the burden of taxation. That the military should be kept in strict subordination to the civil power. That the freedom of the press and of religious opinion should be inviolate. That the policy of our country is peace, and the ark of our salvation, union, are articles of faith upon which we are all agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled. If

there have been projects of partial confederacies to be erected upon the ruins of the Union, they have been scattered to the winds. If there have been dangerous attachments to one foreign nation, and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention, and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation, who have heretofore followed the standard of political party. It is that of discarding every remnant of rancor against each other; of embracing as countrymen and friends; and of yielding to talents and virtue alone, that confidence which, in times of contention for principle, was bestowed only upon those who bore the badge of party communion.

The collisions of party spirit, which originate in speculative opinions, or in different views of administrative policy, are in their nature transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life, are more permanent, and therefore perhaps more dangerous. It is this which gives inestimable value to the character of our government, at once federal and national. It holds out to us a perpetual admonition to preserve alike, and with equal anxiety, the rights of each individual state in its own government, and the rights of the whole nation in that of the Union. Whatever is of domestic concealment, unconnected with the other members of the Union, or with foreign lands, belongs exclusively to the administration of the state governments. Whatsoever directly involves the rights and interests of the federative fraternity, or of foreign powers, is of the resort of this general government. The duties of both are obvious in the general principle, though sometimes perplexed with difficulties in the detail. To respect the rights of the state governments is the inviolable duty of that of the Union; the government of every state will feel its own obligation to respect and preserve the rights of the whole. The prejudices every where too commonly entertained against distant strangers are

worn away, and the jealousies of jarring interests are allayed by the composition and functions of the great national councils annually assembled from all quarters of the Union at this place. Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by whom they are deputed, learn to estimate the talents, and do justice to the virtues of each other. The harmony of the nation is promoted, and the whole Union is knit together by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship, formed between the representatives of its several parts, in the performance of their service at this metropolis.

Passing from this general review of the purposes and injunctions of the federal constitution, and their results, as indicating the first traces of the path of duty in the discharge of my public trust, I turn to the administration of my immediate predecessor, as the second. It has passed away in a period of profound peace: how much to the satisfaction of our country, and to the honor of our country's name, is known to you all. The great features of its policy, in general concurrence with the will of the legislature, have been—to cherish peace while preparing for defensive war; to yield exact justice to other nations, and maintain the rights of our own; to cherish the principles of freedom and of equal rights, wherever they were proclaimed; to discharge with all possible promptitude the national debt; to reduce within the narrowest limits of efficiency the military force; to improve the organization and discipline of the army; to provide and sustain a school of military science; to extend equal protection to all the great interests of the nation; to promote the civilization of the Indian tribes; and to proceed in the great system of internal improvements within the limits of the constitutional power of the Union. Under the pledge of these promises, made by that eminent citizen, at the time of his first induction to this office, in his career of eight years, the internal taxes have been repealed; sixty millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the revolution;

the regular armed force has been reduced, and its constitution revised and perfected; the accountability for the expenditures of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific ocean; the independence of the southern nations of this hemisphere has been recognized, and recommended by example and by counsel to the potentates of Europe; progress has been made in the defence of the country by fortifications, and the increase of the navy—towards the effectual suppression of the African traffic in slaves—in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind—in exploring the interior regions of the Union, and in preparing, by scientific researches and surveys, for the further application of our national resources to the internal improvement of our country.

In this brief outline of the promise and performance of my immediate predecessor, the line of duty for his successor is clearly delineated. To pursue to their consummation those purposes of improvement in our common condition, instituted or recommended by him, will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration, I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity, who are in future ages to people this continent, will derive their most fervent gratitude to the founders of the Union; that in which the beneficent action of its government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after-ages, and have survived thousands of years, after all her conquests have been swallowed up in despotism, or become the spoil of barbarians. Some diversity of opinion has prevailed with regard to the powers of Congress for legislation upon objects of this nature. The most respectful deference is due to doubts, originating in pure patriotism, and sustained by venerated authority. But nearly twenty years have passed since the construction of the first national road was commenced. The au-

thority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it ever proved an injury? Repeated, liberal and candid discussions in the legislature have conciliated the sentiments, and approximated the opinions of enlightened minds, upon the question of constitutional power. I cannot but hope that, by the same process of friendly, patient, and persevering deliberation, all constitutional objections will ultimately be removed. The extent and limitation of the powers of the general government, in relation to this transcendently important interest, will be settled and acknowledged to the common satisfaction of all; and every speculative scruple will be solved by a practical public blessing.

Fellow-citizens, you are acquainted with the peculiar circumstances of the recent elections, which have resulted in affording me the opportunity of addressing you at this time. You have heard the exposition of the principles which will direct me in the fulfilment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence in advance than any of my predecessors, I am deeply conscious of the prospect that I shall stand, more and oftener, in need of your indulgence. Intentions, upright and pure; a heart devoted to the welfare of our country, and the unceasing application of the faculties allotted to me to her service, are all the pledges that I can give to the faithful performance of the arduous duties I am to undertake. To the guidance of the legislative councils; to the assistance of the executive and subordinate departments; to the friendly cooperation of the respective state governments; to the candid and liberal support of the people, so far as it may be deserved by honest industry and zeal, I shall look for whatever success may attend my public service: and knowing that, except the Lord keep the city, the watchman waketh but in vain, with fervent supplications for his favor, to his overruling providence I commit, with humble but fearless confidence, my own fate and the future destinies of my country.

J. Q. ADAMS' FIRST ANNUAL MESSAGE

December 6, 1825

To the Senate, and
House of Representatives of the United States:

In taking a general survey of the concerns of our beloved country, with reference to subjects interesting to the common welfare, the first sentiment which impresses itself upon the mind, is of gratitude to the Omnipotent Disposer of all good, for the continuance of the signal blessings of his providence, and especially for that health, which, to an unusual extent, has prevailed within our borders; and for that abundance which, in the vicissitudes of the seasons, has been scattered with profusion over our land. Nor ought we less to ascribe to Him the glory, that we are permitted to enjoy the bounties of his hand in peace and tranquillity—in peace with all the other nations of the earth, in tranquillity among ourselves. There has, indeed, rarely been a period in the history of civilized man, in which the general condition of the Christian nations has been marked so extensively by peace and prosperity.

Europe, with a few partial and unhappy exceptions, has enjoyed ten years of peace, during which all her governments, whatever the theory of their constitutions may have been, are successively taught to feel that the end of their institutions is the happiness of the people, and that the exercise of power among men can be justified only by the blessings it confers upon those over whom it is extended.

During the same period, our intercourse with all those nations has been pacific and friendly; it so continues. Since the close of your late session, no material variation has occurred in our relations with any one of them. In the commercial and navigation system of Great Britain, important changes of municipal regulations have recently been sanctioned by the acts of parliament, the effect of which upon the interests of other nations, and particularly upon ours, has not yet been fully developed. In the

recent renewal of the diplomatic missions, on both sides, between the two governments, assurances have been given and received of the continuance and increase of the mutual confidence and cordiality by which the adjustment of many points of difference has already been effected, and which affords the surest pledge for the ultimate satisfactory adjustment of those which still remain open, or may hereafter arise.

The policy of the United States, in their commercial intercourse with other nations, has always been of the most liberal character. In the mutual exchange of their respective productions, they have abstained altogether from prohibitions; they have interdicted themselves the power of laying taxes upon exports, and whenever they have favored their own shipping, by special preferences or exclusive privileges in their own ports, it has been only with a view to countervail similar favors and exclusions granted by the nations with whom we have been engaged in traffic, to their own people or shipping, and to the disadvantage of ours. Immediately after the close of the last war, a proposal was fairly made by the act of Congress of the 3d March, 1815, to all maratime nations, to lay aside the system of retaliating restrictions and exclusions, and to place the shipping of both parties to the common trade on a footing of equality in respect to the duties of tonnage and impost. This offer was partially and successively accepted by Great Britain, Sweden, the Netherlands, the Hanseatic cities, Prussia, Sardinia, the Duke of Oldenburg, and Russia. It was also adopted, under certain modifications, in our late commercial convention with France. And by the act of Congress of the 8th of January, 1824, it has received a new confirmation with all the nations who had acceded to it, and has been offered again to all those who are or may hereafter be willing to abide in reciprocity by it. But all these regulations, whether established by treaty or by municipal enactments, are still subject to one important restriction.

The removal of discriminating duties of tonnage and impost, is limited to articles of the growth, produce, or manufacture of the country to which the vessel belongs, or to such articles as are most universally shipped from

her ports. It will deserve the serious consideration of Congress, whether even this remnant of restriction may not be safely abandoned, and whether the general tender of equal competition, made in the act of 8th January, 1824, may not be extended to include all articles of merchandise not prohibited, of what country soever they may be the produce or manufacture. Propositions to this effect have already been made to us by more than one European government, and it is probable that if once established by legislation or compact with any distinguished maratime state, it would recommend itself, by the experience of its advantages, to the general accession of all.

The convention of commerce and navigation between the United States and France, concluded on the 24th of June, 1822, was, in the understanding and intent of both parties, as appears upon its face, only a temporary arrangement of the points of difference between them of the most immediate and pressing urgency. It was limited, in the first instance, to two years from the first of October, 1822, but with a proviso, that it should further continue in force till the conclusion of a general and definitive treaty of commerce, unless terminated by a notice six months in advance, of either of the parties to the other. Its operation, so far as it extended, has been mutually advantageous; and it still continues in force, by common consent. But it left unadjusted several objects of great interest to the citizens and subjects of both countries, and particularly a mass of claims, to considerable amount, of citizens of the United States upon the government of France, of indemnity for property taken or destroyed, under circumstances of the most aggravated and outrageous character. In the long period during which continued and earnest appeals have been made to the equity and magnanimity of France, in behalf of those claims, their justice has not been, as it could not be, denied. It was hoped that the accession of a new sovereign to the throne, would have afforded a favorable opportunity for presenting them to the consideration of his government. They have been presented and urged, hitherto without effect. The repeated and earnest representations of our minister at the court of France, remains as

yet even without an answer. Were the demands of nations upon the justice of each other susceptible of adjudication by the decision of an impartial tribunal, those to whom I now refer would long since have been settled, and adequate indemnity would have been obtained. There are large amounts of similar claims upon the Netherlands, Naples, and Denmark. For those upon Spain, prior to 1819, indemnity was, after many years of patient forbearance, obtained, and those of Sweden have been lately compromised by a private settlement, in which the claimants themselves have acquiesced. The governments of Denmark and of Naples have been recently reminded of those yet existing against them; nor will any of them be forgotten while a hope may be indulged of obtaining justice, by the means within the constitutional power of the executive, and without resorting to those means of self-redress, which, as well as the time, circumstances, and occasion, which may require them, are within the exclusive competency of the legislature.

It is with great satisfaction that I am enabled to bear witness to the liberal spirit with which the republic of Colombia has made satisfaction for well-established claims of a similar character. And among the documents now communicated to Congress, will be distinguished a treaty of commerce and navigation with that republic, the ratifications of which have been exchanged since the last recess of the legislature. The negotiation of similar treaties with all the independent South American states, has been contemplated, and may yet be accomplished. The basis of them all, as proposed by the United States, has been laid in two principles; the one, of entire and unqualified reciprocity; the other, the mutual obligation of the parties to place each other permanently on the footing of the most favored nation. These principles are, indeed, indispensible to the effectual emancipation of the American hemisphere from the thraldom of colonizing monopolies and exclusions—an event rapidly realizing in the progress of human affairs, and which the resistance still opposed in certain parts of Europe to the acknowledgment of the Southern American republics as independent states, will, it is believed, contribute more effectually to

accomplish. The time has been, and that not remote when some of these states might, in their anxious desire to obtain a nominal recognition, have accepted of a nominal independence, clogged with burdensome conditions, and exclusive commercial privileges, granted to the nation from which they have separated, to the disadvantage of all others. They now are all aware that such concessions to any European nation would be incompatible with that independence which they have declared and maintained.

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama, a Congress, at which each of them should be represented, to deliberate upon objects important to the welfare of all. The republics of Colombia, of Mexico, and of Central America, have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them, so far as it may be compatible with that neutrality from which it is neither our intention nor the desire of the American states that we should depart.

The commissioners under the seventh article of the treaty of Ghent have so nearly completed their arduous labors, that, by the report recently received from the agent on the part of the United States, there is reason to expect that the commission will be closed at their next session, appointed for the 22d of May, of the ensuing year

The other commission appointed to ascertain the indemnities due for slaves carried away from the United States, after the close of the late war, have met with some difficulty which has delayed their progress in the inquiry. A reference has been made to the British government on the subject, which, it may be hoped, will tend to hasten the decision of the commissioners, or serve as a substitute for it.

Among the powers specifically granted to Congress by the constitution, are those of establishing uniform law

on the subject of bankruptcies throughout the United States; and for providing for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States. The magnitude and complexity of the interests affected by legislation upon these subjects, may account for the fact, that long and often as both of them have occupied the attention, and animated the debates of Congress, no systems have yet been devised for fulfilling, to the satisfaction of the community, the duties prescribed by these grants of power. To conciliate the claim of the individual citizen to the enjoyment of personal liberty, with the effective obligation of private contracts, is the difficult problem to be solved by a law of bankruptcy. These are objects of the deepest interest to society; affecting all that is precious in the existence of multitudes of persons, many of them in the classes essentially dependent and helpless; of the age requiring nurture, and of the sex entitled to protection from the free agency of the parent and the husband. The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace, and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in perpetual panoply of defence, in the presence of all the other nations of the earth. To this end, it would be necessary, if possible, so to shape its organization, as to give it a more united and active energy. There are laws for establishing a uniform militia throughout the United States, and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defence of the Union, at the shortest notice, and at the smallest expense possible of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

Among the unequivocal indications of our national prosperity, is the flourishing state of our finances. The revenues of the present year, from all their principal sources,

will exceed the anticipations of the last. The balance in the treasury on the first of January last, was a little short of two millions of dollars, exclusive of two millions and a half, being a moiety of the loan of five millions, authorized by the act of the 26th May, 1824. The receipts into the treasury from the first of January to the 30th of September, exclusive of the other moiety of the same loan, are estimated at sixteen millions five hundred thousand dollars; and it is expected that those of the current quarter will exceed five millions of dollars; forming an aggregate of receipts of nearly twenty-two millions, independent of the loan. The expenditures of the year will not exceed that sum more than two millions. By those expenditures, nearly eight millions of the principal of the public debt have been discharged. More than a million and a half has been devoted to the debt of gratitude to the warriors of the revolution; a nearly equal sum to the construction of fortifications and the acquisition of ordnance, and other permanent preparations of national defence; half a million to the gradual increase of the navy; an equal sum for purchases of territory from the Indians, and payment of annuities to them; and upwards of a million for objects of internal improvement, authorized by special acts of the last Congress. If we add to these, four millions of dollars for payment of interest upon the public debt, there remains a sum of about seven millions, which have defrayed the whole expense of the administration of government, in its legislative, executive, and judiciary departments, including the support of the military and naval establishments, and all the occasional contingencies of a government co-extensive with the Union.

The amount of duties secured on merchandise imported, since the commencement of the year, is about twenty-five millions and a half; and that which will accrue during the current quarter, is estimated at five millions and a half; from these thirty-one millions, deducting the drawbacks, estimated at less than seven millions, a sum exceeding twenty-four millions will constitute the revenue of the year, and will exceed the whole expenditures of the year. The entire amount of the public debt remaining due on

the first of January next, will be short of eighty-one millions of dollars.

By an act of Congress on the 3d of March last, a loan of twelve millions of dollars was authorized at four and a half per cent., or an exchange of stock to that amount, of four and a half per cent., for a stock of six per cent., to create a fund for extinguishing an equal amount of the public debt, bearing an interest of six per cent., redeemable in 1826. An account of the measures taken to give effect to this act will be laid before you by the Secretary of the Treasury. As the object which it had in view has been but partially accomplished, it will be for the consideration of Congress, whether the power with which it clothed the executive should not be renewed at an early day of the present session, and under what modifications.

The act of Congress of the 3d of March last, directing the Secretary of the Treasury to subscribe, in the name and for the use of the United States, for one thousand five hundred shares of the capital stock of the Chesapeake and Delaware Canal company, has been executed by the actual subscription for the amount specified; and such other measures have been adopted by that officer, under the act, as the fulfilment of its intentions requires. The latest accounts received of this important undertaking, authorize the belief that it is in successful progress.

The payments into the treasury from proceeds of the sales of the public lands, during the present year, were estimated at one million of dollars. The actual receipts of the first two quarters have fallen very little short of that sum: it is not expected that the second half of the year will be equally productive; but the income of the year, from that source, may now be safely estimated at a million and a half. The act of Congress of the 18th of May, 1824, to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, was limited, in its operation of relief to the purchaser, to the 10th of April last. Its effect at the end of the quarter during which it expired, was to reduce that debt from ten to seven millions. By the operation of similar prior laws of relief, from and since that of 2d March, 1821, the debt had been reduced from upwards of twenty-two

millions to ten. It is exceedingly desirable that it should be extinguished altogether; and to facilitate that consummation, I recommend to Congress the revival, for one year more, of the act of 18th of May, 1824, with such provisional modification as may be necessary to guard the public interests against fraudulent practices in the re-sale of relinquished land. The purchasers of public lands are among the most useful of our fellow-citizens; and, since the system of sales for cash alone has been introduced, great indulgence has been justly extended to those who had previously purchased upon credit. The debt which had been contracted under the credit sales had become unwieldly, and its extinction was alike advantageous to the purchaser and the public. Under the system of sales, matured as it has been by experience, and adapted to the exigencies of the times, the lands will continue, as they have become, an abundant source of revenue; and when the pledge of them to the public creditor shall have been redeemed, by the entire discharge of the national debt, the swelling tide of wealth with which they replenish the common treasury, may be made to reflow in unfailing streams of improvement, from the Atlantic to the Pacific ocean.

The condition of the various branches of the public service resorting from the Department of War, and their administration during the current year, will be exhibited in the report of the Secretary of War, and the accompanying documents, herewith communicated. The organization and discipline of the army are effective and satisfactory. To counteract the prevalence of desertion among the troops, it has been suggested to withhold from the men a small portion of their monthly pay, until the period of their discharge; and some expedient appears to be necessary, to preserve and maintain among the officers so much of the art of horsemanship as could scarcely fail to be found wanting on the possibly sudden eruption of a war, which should overtake us unprovided with a single corps of cavalry. The Military Academy at West Point, under the restrictions of a severe but paternal superintendence, recommends itself more and more to the patronage of the nation; and the number of meritorious officers which it forms and introduces to the public ser-

vice, furnishes the means of multiplying the undertaking of public improvements, to which their acquirements at that institution are peculiarly adapted. The school of artillery practice, established at Fortress Monroe, is well suited to the same purpose, and may need the aid of further legislative provision to the same end. The reports of the various officers at the head of the administrative branches of the military service, connected with the quartering, clothing, subsistence, health and pay of the army, exhibit the assiduous vigilance of those officers in the performance of their respective duties, and the faithful accountability which has pervaded every part of the system.

Our relations with the numerous tribes of aboriginal natives of this country, scattered over its extensive surface, and so dependent, even for their existence, upon our power, have been during the present year highly interesting. An act of Congress of the 25th of May, 1824, made an appropriation to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi. An act of the 3d of March, 1825, authorized treaties to be made with the Indians for their consent to the making of a road from the frontier of Missouri to that of New Mexico. And another act, of the same date, provided for defraying the expenses of holding treaties with the Sioux, Chippewas, Menomonees, Sacs, Foxes, &c., for the purpose of establishing boundaries and promoting peace between said tribes. The first and the last objects of these acts have been accomplished; and the second is yet in a process of execution. The treaties which, since the last session of Congress, have been concluded with the several tribes, will be laid before the Senate for their consideration, conformably to the constitution. They comprise large and valuable acquisitions of territory; and they secure an adjustment of boundaries, and give pledges of permanent peace between several tribes which had been long waging bloody wars against each other.

On the 12th of February last, a treaty was signed at the Indian Springs, between commissioners appointed on the part of the United States, and certain chiefs and indi-

viduals of the Creek nation of Indians, which was received at the seat of government only a very few days before the close of the last session of Congress and of the late administration. The advice and consent of the Senate was given to it on the third of March, too late for it to receive the ratification of the then President of the United States: it was ratified on the 7th of March, under the unsuspecting impression that it had been negotiated in good faith and in the confidence inspired by the recommendation of the Senate. The subsequent transactions in relation to this treaty will form the subject of a separate communication.

The appropriations made by Congress for public works, as well in the construction of fortifications, as for purposes of internal improvement, so far as they have been expended, have been faithfully applied. Their progress has been delayed by the want of suitable officers for superintending them. An increase of both the corps of engineers, military and topographical, was recommended by my predecessor at the last session of Congress. The reasons upon which that recommendation was founded, subsist in all their force, and have acquired additional urgency since that time. It may also be expedient to organize the topographical engineers into a corps similar to the present establishment of the corps of engineers The Military Academy at West Point will furnish, from the cadets annually graduated there, officers well qualified for carrying this measure into effect.

The board of engineers for internal improvement, appointed for carrying into execution the act of Congress of 30th April, 1824, "to procure the necessary surveys, plans and estimates, on the subject of roads and canals," have been actively engaged in that service from the close of the last session of Congress. They have completed the surveys necessary for ascertaining the practicability of a canal from the Chesapeake bay to the Ohio river, and are preparing a full report on that subject, which when completed, will be laid before you. The same observatior is to be made with regard to the two other objects of national importance, upon which the board have been occupied; namely, the accomplishment of a nation-

al road from this city to New Orleans, and the practicability of uniting the waters of Lake Memphremagog with Connecticut river, and the improvement of the navigation of that river. The surveys have been made, and are nearly completed. The report may be expected at an early period during the present session of Congress.

The acts of Congress of the last session, relative to the surveying, marking, or laying out roads in the territory of Florida, Arkansas, and Michigan, from Missouri to Mexico, and for the continuation of the Cumberland road, are, some of them, fully executed, and others in the process of execution. Those for completing or commencing fortifications, have been delayed only so far as the corps of engineers have been inadequate to furnish officers for the necessary superintendence of the works. Under the act confirming the statutes of Virginia and Maryland, incorporating the Chesapeake and Ohio Canal Company, three commissioners on the part of the United States have been appointed for opening books and receiving subscriptions, in concert with a like number of commissioners appointed on the part of each of those states. A meeting of the commissioners has been postponed, to await the definitive report of the board of engineers. The lighthouses and monuments for the safety of our commerce and mariners; the works for the security of Plymouth Beach, and for the preservation of the islands in Boston harbor, have received the attention required by the laws relating to those objects, respectively. The continuation of the Cumberland road, the most important of them all, after surmounting no inconsiderable difficulty in fixing upon the direction of the road, has commenced under the most promising auspices, with the improvements of recent invention in the mode of construction, and with the advantage of a great reduction in the comparative cost of the work.

The operation of the laws relating to the revolutionary pensioners may deserve the renewed consideration of Congress. The act of the 18th March, 1818, while it made provision for many meritorious and indigent citizens who had served in the war of independence, opened a door to numerous abuses and impositions. To remedy

this, the act of 1st May, 1820, exacted proofs of absolute indigence, which many really in want were unable, and all, susceptible of that delicacy which is allied to many virtues, must be deeply reluctant to give. The result has been, that some among the least deserving have been retained, and some in whom the requisites both of worth and want were combined, have been stricken from the list. As the numbers of these venerable relics of an age gone by, diminish; as the decays of body, mind and estate, of those that survive, must, in the common course of nature, increase; should not a more liberal portion of indulgence be dealt out to them? May not the want in most instances be inferred from the demand, when the service can be duly proved; and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief, only by the exposure of its own necessities? I submit to Congress the expediency of providing for individual cases of this description, by special enactment, or of revising the act of the 1st of May, 1820, with a view to mitigate the rigor of its exclusions, in favor of persons to whom charity, now bestowed, can scarcely discharge the debt of justice.

The portion of the naval force of the Union, in actual service, has been chiefly employed on three stations: the Mediterranean, the coasts of South America bordering on the Pacific ocean, and the West Indies. An occasional cruiser has been sent to range along the African shores most polluted by the traffic of slaves; one armed vessel has been stationed on the coast of our eastern boundary, to cruise along the fishing grounds in Hudson's Bay, and on the coast of Labrador; and the first service of a new frigate has been performed, in restoring to his native soil and domestic enjoyments, the veteran hero whose youthful blood and treasure had freely flowed in the cause of our country's independence, and whose whole life has been a series of services and sacrifices to the improvement of his fellow-men. The visit of General Lafayette, alike honorable to himself and to our country, closed, as it had commenced, with the most affecting testimonials of devoted attachment on his part, and of unbounded gratitude of this people to him in return. It will form,

hereafter, a pleasing incident in the annals of our Un on, giving to real history the intense interest of romance, and signally marking the unpurchasable tribute of a great nation's social affections to the disinterested champion of the liberties of human kind.

The constant maintenance of a small squadron in the Mediterranean, is a necessary substitute for the humiliating alternative of paying tribute for the security of our commerce in that sea, and for a precarious peace, at the mercy of every caprice of four Barbary states, by whom it was liable to be violated. An additional motive for keeping a respectable force stationed there at this time, is found in the maritime war raging between the Greeks and the Turks; and in which the neutral navigation of this Union is always in danger of outrage and depredation. A few instances have occurred of such depredations upon our merchant vessels by privateers or pirates wearing the Grecian flag, but without real authority from the Greek or any other government. The heroic struggles of the Greeks themselves, in which our warmest sympathies as freemen and Christians have been engaged, have continued to be maintained with vicissitudes of success adverse and favorable.

Similar motives have rendered expedient the keeping of a like force on the coasts of Peru and Chili, on the Pacific. The irregular and convulsive character of the war upon the shores, has been extended to the conflicts upon the ocean. An active warfare has been kept up for years, with alternate success, though generally to the advantage of the American patriots. But their naval forces have not always been under the control of their own governments. Blockades, unjustifiable under any acknowledged principles of international law, have been proclaimed by officers in command; and though disavowed by the supreme authorities, the protection of our own commerce against them has been made a cause of complaint and erroneous imputations against some of the most gallant officers of our navy. Complaints equally groundless have been made by the commanders of the Spanish royal forces in those seas; but the most effective protection to our commerce has been the flag and the firmness

of our own commanding officers. The cessation of the war, by the complete triumph of the patriot cause, has removed, it is hoped, all cause of dissention with one party, and all vestige of force of the other. But an unsettled coast of many degrees of latitude, forming a part of our own territory, and a flourishing commerce and fishery, extending to the islands of the Pacific and to China, still require that the protecting power of the Union should be displayed under its flag, as well upon the ocean as upon the land.

The objects of the West Indies squadron have been, to carry into execution the laws for the suppression of the African slave trade; for the protection of our commerce against vessels of piratical character, though bearing commissions from either of the belligerent parties; for its protection against open and unequivocal pirates. These objects, during the present year, have been accomplished more effectually than at any former period. The African slave trade has long been excluded from the use of our flag; and if some few citizens of our country have continued to set the laws of the Union, as well as those of nature and humanity, at defiance, by persevering in that abominable traffic, it has been only by sheltering themselves under the banners of other nations, less earnest for the total extinction of the trade than ours. The irregular privateers have, within the last year, been in a great measure banished from those seas; and the pirates, for months past, appear to have been almost entirely swept away from the borders and the shores of the two Spanish islands in those regions. The active, persevering, and unremitted energy of Captain Warrington, and of the officers and men under his command, on that trying and perilous service, have been crowned with signal success, and are entitled to the approbation of their country. But experience has shown that not even a temporary suspension or relaxation from assiduity can be indulged on that station without reproducing piracy and murder in all their horrors; nor is it probable that, for years to come, our immensely valuable commerce in those seas can navigate in security, without the steady continuance of an armed force devoted to its protection.

It were indeed a vain and dangerous illusion to believe that in the present or probable condition of human society, a commerce so extensive and so rich as ours could exist and be pursued in safety, without the continual support of a military marine—the only arm by which the power of this confederacy can be estimated or felt by foreign nations, and the only standing military force which can never be dangerous to our own liberties at home. A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will deserve your serious deliberations. Our navy, commenced at an early period of our present political organization, upon a scale commensurate with the incipient energies, the scanty resources, and the comparative indigence of our infancy, was even then found adequate to cope with all the powers of Barbary, save the first, and with one of the principal maritime powers of Europe.

At a period of further advancement, but with little accession of strength, it not only sustained with honor the most unequal of conflicts, but covered itself and our country with unfading glory. But it is only since the close of the late war that, by the numbers and force of the ships of which it was composed, it could deserve the name of a navy. Yet it retains nearly the same organization as when it consisted of only five frigates. The rules and regulations by which it is governed earnestly call for revision; and the want of a naval school of instruction, corresponding with the Military Academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation.

The act of Congress of 26th of May, 1824, authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes, has been executed so far as the appropriation would admit. Those of the third of March last, authorizing the establishment of a navy yard and depot on the coast of Florida, in the Gulf of Mexico, and authorizing the building of

ten sloops of war, and for other purposes, are in the course of execution: for the particulars of which and other objects connected with this department, I refer to the report of the Secretary of the Navy herewith communicated.

A report from the Postmaster-general is also submitted, exhibiting the present flourishing condition of that department. For the first time for many years, the receipts for the year ending on the first of July last, exceeded the expenditures during the same period, to the amount of more than forty-five thousand dollars. Other facts, equally creditable to the administration of this department, are, that in two years from the first of July, 1823, an improvement of more than one hundred and eighty-five thousand dollars, in its pecuniary affairs, has been realized; that, in the same interval, the increase of the transportation of the mail has exceeded one million five hundred thousand miles annually; and that one thousand and forty new post-offices have been established. It hence appears, that under judicious management, the income from this establishment may be relied on as fully adequate to defray its expenses; and that, by the discontinuance of post roads, altogether unproductive, others of more useful character may be opened, till the circulation of the mail shall keep pace with the spread of our population, and the comforts of friendly correspondence, the exchanges of internal traffic, and the lights of the periodical press, shall be distributed to the remotest corners of the Union, at a charge scarcely perceptible to any individual, and without the cost of a dollar to the public treasury.

Upon this first occasion of addressing the legislature of the Union, with which I have been honored, in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them, for promoting the internal improvement of our country, I cannot close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. The great object of the institution of civil government is the improvement of the condition of those who are parties to the social

compact. And no government, in whatever form constituted, can accomplish the lawful ends of its institution, but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement. But moral, political and intellectual improvement, are duties assigned by the Author of our existence, to social, no less than to individual man. For the fulfilment of those duties, governments are invested with power; and, to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated powers is a duty as sacred and indispensable, as the usurpation of powers not granted is criminal and odious. Among the first, perhaps the very first instrument for the improvement of the condition of men, is knowledge; and to the acquisition of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life, public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory as, living, he was first in the hearts of our country, that once and again, in his addresses to the Congresses with whom he co-operated in the public service, he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war—a national university, and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point, he would have enjoyed the gratification of his most earnest wishes. But, in surveying the city which has been honored with his name, he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for a university, still bare and barren.

In assuming her station among the civilized nations of the earth, it would seem that our country had contracted the engagement to contribute her share of mind, of labor, and of expense, to the improvement of those parts of knowledge which lie beyond the reach of individual

acquisition; and particularly to geographical and astronomical science. Looking back to the history only of half the century since the declaration of our independence, and observing the generous emulation with which the governments of France, Great Britain, and Russia, have devoted the genius, the intelligence, the treasures of their respective nations, to the common improvement of the species in these branches of science, is it not incumbent upon us to inquire whether we are not bound by obligations of a high and honorable character to contribute our portion of energy and exertion to the common stock? The voyages of discovery prosecuted in the course of that time at the expense of those nations, have not only redounded to their glory, but to the improvement of human knowledge. We have been partakers of that improvement, and owe for it a sacred debt, not only of gratitude, but of equal and proportional exertion in the same common cause. Of the cost of these undertakings, if the mere expenditures of outfit, equipment, and completion of the expeditions, were to be considered the only charges, it would be unworthy of a great and generous nation to take a second thought. One hundred expeditions of circumnavigation, like those of Cook and La Perouse, would not burden the exchequer of the nation fitting them out, so much as the ways and means of defraying a single campaign in war. But if we take into the account the lives of those benefactors of mankind, of which their services in the cause of their species were the purchase, how shall the cost of those heroic enterprises be estimated? And what compensation can be made to them, or to their countries for them? Is it not by bearing them in affectionate remembrance? Is it not still more by imitating their example? by enabling countrymen of our own to pursue the same career, and to hazard their lives in the same cause?

On inviting the attention of Congress on the subject of internal improvements, upon a view thus enlarged, it is not my design to recommend the equipment of an expedition for circumnavigating the globe for purposes of scientific research and inquiry. We have objects of useful investigation nearer home, and to which our cares

may be more beneficially applied. The interior of our own territories has yet been very imperfectly explored Our coasts, along many degrees of latitude upon the shores of the Pacific ocean, though much frequented by our spirited commercial navigators, have been barely visited by our public ships. The river of the west, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our armed national flag at its mouth. With the establishment of a military post there, or at some other point of that coast, recommended by my predecessor, and already matured in the deliberations of the last Congress, I would suggest the expediency of connecting the equipment of a public ship for the exploration of the whole north-west coast of this continent.

The establishment of a uniform standard of weights and measures, was one of the specific objects contemplated in the formation of our constitution; and to fix that standard was one of the powers delegated by express terms, in that instrument, to Congress. The governments of Great Britain and France have scarcely ceased to be occupied with inquiries and speculations on the same subject, since the existence of our constitution; and with them it has expanded into profound, laborious, and expensive researches into the figure of the earth, and the comparative length of the pendulum vibrating seconds in various latitudes, from the equator to the pole. These researches have resulted in the composition and publication of several works highly interesting to the cause of science. The experiments are yet in the process of performance. Some of them have recently been made on our own shores, within the walls of one of our own colleges, and partly by one of our own fellow-citizens. It would be honorable to our country if the sequel of the same experiments should be countenanced by the patronage of our government, as they have hitherto been by those of France and Great Britain.

Connected with the establishment of a university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support

of an astronomer, to be in constant attendance of observation upon the phenomena of the heavens; and for the periodical publication of his observations. It is with no feeling of pride, as an American, that the remark may be made, that, on the comparatively small territorial surface of Europe, there are existing upwards of one hundred and thirty of these light-houses of the skies; while throughout the whole American hemisphere there is not one. If we reflect a moment upon the discoveries which, in the last four centuries, have been made in the physical constitution of the universe, by the means of these buildings. and of observers stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon our half of the globe, and the earth revolves in perpetual darkness to our unsearching eyes?

When, on the 25th of October, 1791, the first President of the United States announced to Congress the result of the first enumeration of the inhabitants of this Union, he informed them that the returns gave the pleasing assurance that the population of the United States bordered on four millions of persons. At the distance of thirty years from that time, the last enumeration, five years since completed, presented a population bordering on ten millions. Perhaps of all the evidences of a prosperous and happy condition of human society, the rapidity of the increase of population is the most unequivocal. But the demonstration of our prosperity rests not alone upon this indication. Our commerce, our wealth, and the extent of our territories have increased in corresponding proportions; and the number of independent communities, associated in our federal Union, has, since that time, nearly doubled. The legislative representation of the states and people, in the two houses of Congress. has grown with the growth of their constituent bodies. The House, which then consisted of sixty-five members, now numbers upwards of two hundred. The Senate,

which consisted of twenty-six members, has now forty-eight. But the executive, and still more the judiciary departments, are yet in a great measure confined to their primitive organization, and are now not adequate to the urgent wants of a still growing community.

The naval armaments, which at an early period forced themselves upon the necessities of the Union, soon led to the establishment of a department of the navy. But the departments of foreign affairs and of the interior, which, early after the formation of the government, had been united in one, continue so united to this time to the unquestionable detriment of the public service. The multiplication of our relations with the nations and governments of the old world, has kept pace with that of our population and commerce, while, within the last ten years, a new family of nations, in our own hemisphere, has arisen among the inhabitants of the earth, with whom our intercourse, commercial and political, would, of itself, furnish occupation to an active and industrious department. The constitution of the judiciary, experimental and imperfect as it was, even in the infancy of our existing government, is yet more inadequate to the administration of national justice at our present maturity. Nine years have elapsed since a predecessor in this office, now not the last, the citizen who perhaps of all others throughout the Union, contributed most to the formation and establishment of our constitution, in his valedictory address to Congress, immediately preceding his retirement from public life, urgently recommended the revision of the judiciary, and the establishment of an additional executive department. The exigencies of the public service and its unavoidable deficiencies, as now in exercise, have added yearly cumulative weight to the considerations presented by him as persuasive to the measure; and in recommending it to your deliberations, I am happy to have the influence of his high authority in aid of the undoubting convictions of my own experience.

The laws relating to the administration of the Patent Office are deserving of much consideration, and perhaps susceptible of some improvement. The grant of power to regulate the action of Congress on this subject, has

pecified both the end to be obtained and the means by which it is to be effected, "to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries." If an honest pride might be indulged in the reflection, that on the records of that office are already found inventions, the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry, whether the laws have effectively insured to the inventors the reward destined to them by the constitution—even a limited term of exclusive right to their discoveries?

On the 24th of December, 1799, it was resolved by Congress, that a marble monument should be erected by the United States, in the capitol, at the city of Washington; that the family of General Washington should be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life. In reminding Congress of this resolution, and that the monument contemplated by it remains yet without execution, I shall indulge only the remarks, that the works at the capitol are approaching to completion; that the consent of the family, desired by the resolution, was requested and obtained; that a monument has been recently erected in this city, over the remains of another distinguished patriot of the revolution; and that a spot has been reserved within the walls where you are deliberating for the benefit of this and future ages, in which the mortal remains may be deposited of him whose spirit hovers over you, and listens with delight to every act of the representatives of his nation which can tend to exalt and adorn his and their country.

The constitution under which you are assembled, is a charter of limited powers. After full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention, should you come to the conclusion, that, however desirable in themselves, the enactment of laws for effecting them would transcend the powers committed

to you by that venerable instrument which we are al. bound to support; let no consideration induce you to assume the exercise of powers not granted to you by the people. But if the power to exercise exclusive legislation in all cases whatsoever, over the District of Columbia; if the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; if the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes; to fix the standard of weights and measures; to establish post-offices and post-roads; to declare war; to raise and support armies; to provide and maintain a navy; to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and to make all laws which shall be necessary and proper for carrying these powers into execution: if these powers, and others enumerated in the constitution, may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and encouragement of the mechanic and of the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound; to refrain from exercising them for the benefit of the people themselves, would be to hide in the earth the talent committed to our charge—would be treachery to the most sacred of trusts.

The spirit of improvement is abroad upon the earth. It stimulates the hearts and sharpens the faculties, not of our fellow-citizens alone, but of the nations of Europe, and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty, must, in proportion to its numbers, be the most powerful nation upon earth; and that the tenure of power by man is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow-men. While foreign nations, less blessed with that freedom which is power than ourselves, are advancing with gigan-

tic strides in the career of public improvement; were we to slumber in indolence, or fold up our arms and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence, and doom ourselves to perpetual inferiority? In he course of the year now drawing to its close, we have beheld, under the auspices and expense of one state in our Union, a new university unfolding its portals to the sons of science, and holding up the torch of human improvement to eyes that seek the light. We have seen under the persevering and enlightened enterprise of another state, the waters of our western lakes mingle with those of the ocean. If undertakings like these have been accomplished in the compass of a few years, by the authority of single members of our confederation, can we, the representative authorities of the whole Union, fall behind our fellow servants in the exercise of the trust committed to us for the benefit of our common sovereign, by the accomplishment of works important to the whole, and to which neither the authority nor the resources of any one state can be adequate?

Finally, fellow-citizens, I shall await, with cheering hope and faithful co-operation, the result of your deliberations; assured that, without encroaching upon the powers reserved to the authorities of the respective states, or to the people, you will, with a due sense of your obligations to your country, and of the high responsibilities weighing upon yourselves, give efficacy to the means committed to you for the common good. And may He who searches the hearts of the children of men, prosper your exertions to secure the blessings of peace and promote the highest welfare of our country.

JACKSON'S INAUGURAL ADDRESS,

March 4, 1829.

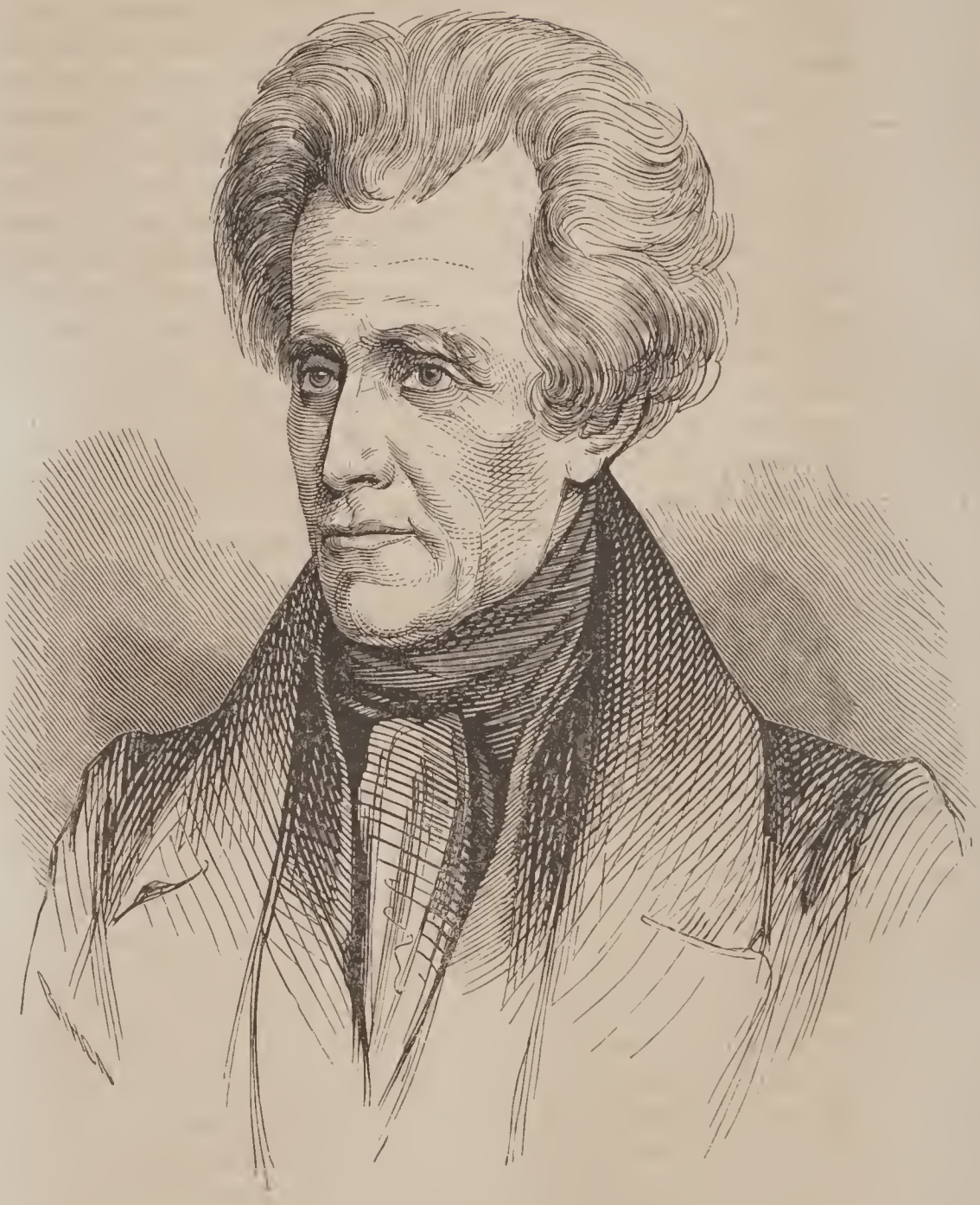
Fellow Citizens:

About to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the federal constitution, it will devolve upon me, for a stated period, to execute the laws of the United States; to superintend their foreign and confederate re'ations; to manage their revenue; to command their forces; and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office, without transcending its authority. With foreign nations, it will be my study to preserve peace, and to cultivate friendship on fair and honorable terms; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves with those they have granted to the confederacy.



Andrew Jackson

The management of the public revenue—that searching operation of all governments—is among the most delicate and important trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money, and the prompt accountability of public officers. With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce and manufactures, should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor to disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed, in distant climes, our skill in navigation, and our fame in arms; the preservation of our forts, arsenals, and dockyards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence that I should be excused for omitting their mention, sooner

than enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the right of person and property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power

It will be my sincere and constant desire to observe towards the Indian tribes within our limits, a just and liberal policy; and to give that humane and considerate attention to their rights and their wants, which are consistent with the habits of our government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations, able and faithful co-operation—depending for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same

diffidence induces me to hope for instruction and aid from the co-ordinate branches of the government, and for the indulgence and support of my fellow-citizens gene rally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of his divine care and gracious benediction

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JACKSON'S FIRST ANNUAL MESSAGE,

DECEMBER 8, 1829.

Fellow-Citizens of the Senate,
and House of Representatives:

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the constitution, to present to you, as the federal legislature of twenty-four sovereign states, and twelve millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind; and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings they enjoy by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself, that, supported by the other branches of the government, and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other powers, the most prominent of those which have for years been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those governments left the United States, render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satifactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations. Such are my own views; and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of

the policy which the present cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in the spirit of candor and liberality which ought ever to characterize the acts of sovereign states, seeking to adjust. by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication on our part is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this confederacy. The exposition of our rights, already made, is such as from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the sovereign who has evinced his friendly disposition, by assuming the delicate task of arbitration, have been committed to a citizen of the state of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822 limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government. Should this result induce a disposition to embrace to their full extent the wholesome principles which constitute our commercial policy, our minister to that court will be found instructed to cherish such a disposition, and to aid

in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances, by the express direction, of the then existing government of France, remained unsatisfied; and must, therefore, continue, to furnish a subject of unpleasant discussion, and possible collision, between the two governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future.—Our minister has been instructed to press these demands on the French government with all the earnestness which is called for by their importance and irrefutable justice; and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms; or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation act. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that government authorized us to expect will not be made in vain.

With other European powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasions of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these powers having been ratified,

we cannot be insensible to the great benefit to be derived by the commerce of the United States from unlocking the navigation of the Black Sea—a free passage into which is secured to all merchant vessels bound to ports of Rus sia under a flag at peace with the Porte. This advantage, enjoyed upon conditions, by most of the powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

Our trade with Austria, although of secondary import ance, has been gradually increasing; and is now so extended as to deserve the fostering care of the government. A negotiation, commenced and nearly completed with that power, by the late administration, has been consummated by a treaty of amity, navigation and commerce, which will be laid before the Senate.

During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our government, in like cases, was no longer withheld.

Considerable advances have been made during the present year in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that government in their behalf has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the government, together with the uniformly just and friendly disposition which has been evinced by his Danish majesty, there is a reasonable

ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific

The southern republics of our hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown, with complete success, their long and arduous efforts in the cause of self-government; and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, forever stifled in that republic by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit; and if a corresponding sentiment prevails in the other states, this devo ion to liberty cannot be without a proper effect upon the counsels of the mother country. The adoption by Spain of a pacific policy towards her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American governments generally, are in a train of settlement, while the principal part of those upon Brazil have been adjusted; and a decree in council, ordering bonds to be issued by the minister of the treasury for their amount, has received the sanction of his imperial majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and if met by a proper disposition on the part of that government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister republics; and more particularly in that of our immediate neighbor, it would be most gratifying to me were I permitted to say, that the treatment which we have received at her hands has been as universally friendly, as the early and constant solicitude manifested by the United States for her success, gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries; and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause in a great degree is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican government to ratify a treaty negotiated and concluded in its own capital, and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as in his judgment the interest of his country might require, and instructions to that end were prepared; but before they could be despatched, a communication was received from the government of Mexico, through its charge d'affaires here, requesting the recall of our minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this government was appointed. Our conduct towards that republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a successor, are not to be ascribed to any evidence that the imputation of an improper

interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has never been affirmed by the federal government of Mexico, in their communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of President and Vice-President. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

To the people belongs the right of electing their chief magistrate; it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that, in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can, with convenience, speak, it is safer for them to express their own will.

The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the people may not be always ascertained; or, if ascertained, may not be regarded. From the mode of voting by states, the choice is to be made by twenty-four votes; and it may often occur, that one of those will be controlled by an individual representative. Honors and offices are at the disposal of the successful candidate. Repeated ballottings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the representative to be proof against the powerful motives by which it may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another, from the conviction that it is

his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect the President; and when this happens it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principles of our system—*that the majority is to govern*—it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us then endeavor to so amend our system, that the office of chief magistrate may not be conferred upon any citizen, but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the constitution as may remove all intermediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each state its present relative weight in the election; and a failure in the first attempt may be provided for, by confiding the second to a choice between the two highest candidates. In connection with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office, the representatives in Congress on whom such an election may have devolved, would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they may have been offi-

cially concerned. The nature of the judicial office, and the necessity of securing in the cabinet and diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government rather as a means of promoting individual interest, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit therefore to your consideration whether the efficiency of the government would not be promoted, and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is therefore done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to the public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for

a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, or as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished; while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been, low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished; and commerce allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon the articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries: and the inducements to advance

even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All the attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influence, can never be just; and will not long retain the sanction of the people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendency, the north, the south, the east, and the west, should unite in diminishing any burden, of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all

classes. A reduction, therefore, of the existing duties, will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from the sales of public lands; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the treasury on the 1st January, 1829, was $5,972,435 81. The receipts of the current year are estimated at $24,602,230; and the expenditures for the same time at $26,164,595. Leaving a balance in the treasury, on the 1st of January next, of $4,410,070 81.

There will have been paid on account of the public debt during the present year, the sum of $12,405,005 80; reducing the whole debt of the government on the first of January next, to $48,565,406 50, including seven millions of five per cent. stock subscribed to the Bank of the United States. The payment on account of the public debt, made on the first of July last, was $8,715,462 87 cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

The state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry, and auspicious of the ability of the government, in a very short time to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burdens; and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the states will also be increased; and may be more extensively exerted in favor of education and other public objects; while ample means will remain

in the federal government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury, beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to payment of the debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefitted by the improvement of inland navigation, and the construction of highways in the several states. Let us then endeavor to attain this benefit in a mode that will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of this surplus revenue, would be its apportionment among the several states, according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in all cases of real doubt, and where its exercise is deemed advisable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other

has, in the Providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs, was intended to be left where the federal convention found it—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachment upon the legitimate sphere of state sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fall.

In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by government, sufficient to receive the goods offered in deposite for security and for debenture; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors was more effectually secured, this evil would in a great measure be obviated. An authority to construct such houses is, therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice, that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are, in some respects, quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

On an examination of the records of the treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of this sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it behoves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service

should be subject to the supervision of such professional skill as will give it efficacy. The expense attendant upon such a modification of the executive department, would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the treasury, so far as they relate to the superintendence and management of legal proceedings on the part of the United States, to be transferred to the attorney-general; and that this officer be placed on the same footing in all respects, as the heads of the other departments—receiving like compensation, and having such subordinate officers provided for his department, as may be requisite for the discharge of these additional duties. The professional skill of the attorney-general, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit, and hereafter save much to the government. It might be further extended to the superintendence of all criminal proceedings for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the treasury department be not impaired; one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit.

In connexion with the foregoing views, I would suggest, also, an inquiry, whether the provisions of the act of Congress, authorizing the discharge of the persons of debtors to the government from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens is certainly due to them, and would prove beneficial to the country. The continuance of the liability after the means to discharge it had been exhausted, can only serve to dispirit the debtor; or where his resources are but partial, the want of power in the government to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state of apathy, or becomes a useless drone in society, or

a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that an oppressive debt is the bane of enterprise; and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress, numerous frauds on the treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States Court, for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th Congress, approved 3d March, 1823, providing for the punishment of frauds committed on the government of the United States. Either from some defect in the law or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual, and the government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the treasury. If, indeed, there is no provision by which those who may be unworthily intrusted with its guardianship, can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions, have been rescued by legal subtilties, it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion, and accomplish the ends of its original enactment.

In one of the most flagrant cases, the court decided that the prosecution was barred by the statute which limits prosecutions for fraud to two years. In this case all the evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in the possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession; add least of all, in favor of a public officer

who continues to defraud the treasury, and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connection with this subject, I invite the attention of Congress to a general and minute inquiry into the condition of the government; with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the naval force, will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, most ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character: both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation to obviate the inconveniences specified in the report under consideration; to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed

by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of the officers generally, should be more specific than they now are. Those, for example, in relation to the paymaster and surgeon-general, assign to them an annual salary of $2,500; but are silent as to allowances which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former administrations; but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defence, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

I would also suggest a review of the pension law, for the purpose of extending its benefits to every revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. Those relics of the war of independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially

from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred and fifty-four: of which, on the 27th March, the date of its revocation, eighty-seven were admitted. For the amount there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the department, exceed the estimate of its late secretary, by about fifty thousand dollars, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to $100,000, and has recently been vested in the United States three per cent. stock.

The condition and ulterior destiny of the Indian tribes within the limits of some of our states, have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in expenditures upon the subject, government has constantly defeated its own policy; and the Indians, in general, receding further and further to the west, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the

limits of Georgia and Alabama. These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the general government had a right to sustain those people in their pretensions. The constitution declares, that "no new state shall be formed or erected within the jurisdiction of any other state," without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign state, always asserting her claim to certain limits; which having been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? and unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic in each of their reservations in Ohio? and if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are

versed, and that it has become a part of its duty to aid in destroying the states which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of those states.

Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have left but remnants, to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the states, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states whose limits they could control. That step cannot be retraced. A state cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those states, and of every state, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the states, to preserve this much injured race.

As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of

any state or territory now formed, to be guaranteed to the Indian tribes, as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

This emigration should be voluntary; for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the states, they must be subject to their laws. In return for their obedience as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose, that in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the states, and receiving, like other citizens, protection in their persons, and property, they will ere long become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect orga-

nization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has in many important respects, not been secured.

In time of peace we have need of no more ships of war than are requisite to the protection of our commerce Those not wanted for this object, must lay in the harbors, where, without proper covering, they rapidly decay; and even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be little doubt that our best policy would be to discontinue the building of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposites in the navy-yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned; and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishments of these yards are indicated with so much force in the report of the Navy Board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this district, being already furnished with most of the machinery necessary for ship building, will be competent to the supply of the two selected by the board as the best for the concentration of materials; and from the facility and certainty of communication between them, it will be useless to incur, at those depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels

Another improvement would be effected by dispensing altogether with the Navy Board, as now constituted, and substituting in its stead, bureaus similar to those already existing in the War department. Each member of the

board, transferred to the head of a separate bureau charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character: its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the marine corps be merged in the artillery, or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieutenant-colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry—there being no peculiar training requsite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the secretary to which I refer you, for other interesting details. Among these I would bespeak the attention of Congress from the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster-general is referred to as exhibiting a highly satisfactory administration of tha-

department. Abuses have been reformed; increased expedition in the transportation of the mail secured; and its revenue much improved. In a political point of view this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly to the remotest parts of the system, correct information of the operations of the government; and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the judiciary. A uniform operation of the federal government in the different states is certainly desirable; and existing as they do in the Union, on the basis of perfect equality, each state has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union: to three others, the circuit courts, which constitute an important part of that system, have been imperfectly extended; and to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter, the advantages afforded (by the supreme court) to their fellow-citizens in other states, in the whole extent of the criminal, and much of the civil authority of the federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted: neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and at the same time, to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the supreme court should be held by those classes alternately—the chief justice always presiding.

If an extension of the circuit court system to those

states which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangements of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, to insure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself, at an early period, upon the attention of the executive. Thirteen years ago, it was in Mr. Madison's last message to Congress made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a Home Department—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase gradually, and imperceptibly, the already too strong bias of the federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that department, that its secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well

questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties; and at the same time, secure all the advantages to the government and country that were expected to result from the present bank.

I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the re-capture of the frigate Philadelphia, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of executive interference under a government like ours, where every individual enjoys the right of directly petitioning Congress; yet viewing this case as one of very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognized and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication, that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your councils.

JACKSON'S FAREWELL ADDRESS.

Fellow Citizens:

Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interests of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors.

But I have the consolation of knowing that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, I leave this great people prosperous and happy; in the full enjoyment of liberty and peace; and honored and respected by every nation of the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honor you have heaped upon me; and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come, when advanced age and a broken frame warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will, at least,

see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the constitution framed by the sages and patriots of the revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war with each other; and our intimate commercial connections with every part of the civilized world, rendered it a time of much difficulty for the government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called to put forth its whole strength, without the lights of experience to guide it, or the weight of precedent to justify its measures. But we have passed triumphantly through all these difficulties. Our constitution is no longer a doubtful experiment; and at the end of nearly half a century, we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved, and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is every thing to encourage us; and if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The states which had so long been retarded in their improvement, by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the states; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general

government will hereafter watch over them and protect them

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessing of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited, and, I trust, a temporary exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united, and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who framed it; and has proved, that in the union of these states there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the union, was earnestly pressed upon his fellow-citizens by the father of his country, in his farewell address. He has there told us, that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us in the strongest terms against the formation of parties, on geographical discriminations, as one of the means which might disturb our union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passing around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events, and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment, and he so speaks of it in his address; but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings, and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the *south* against the *north*, and the *north* against the *south*, and to force into the controversy the most delicate and excited topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been

formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of state pride and local attachments, find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other states are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found, who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissention? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation, will then be tried in fields of battle, and be determined by the sword. Neither should you deceive yourselves with the hope, that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations, formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they bear as citizens of this great republic; if these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off: new leaders would spring up, and this great and glorious republic would soon

be broken into a multitude of petty states; armed for mutual aggressions; loaded with taxes to pay armies and leaders; seeking aid against each other from foreign powers; insulted and trampled upon by the nations of Europe, until harassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any state or states can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should, at all times, stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice

of the people, will not fail tc redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual or combination of individuals, can be justified in forcibly resisting its execution It is impossible that any government can continue to exist upon any other principles. It would cease to be a government, and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country, would in any case whatever resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country, arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several states bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every state should studiously avoid every thing calculated to wound the sensibility or offend the just pride of the people of other states; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of

the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several states must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the revolution, and therefore, of necessity, influencing their policy since they became free and independent states. But each state has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other states, or the rights of the Union, every state must be the sole judge of that measure proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of the people of other states to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured, that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens in every quarter of our country are capable of attaining a high degree of prosperity and happiness, without

seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered it naturally provokes resentments which cannot be always allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be state or national.

It is well known that there have always been those among us who wish to enlarge the powers of the general government; and experience would seem to indicate that there is a tendency on the part of this government to overstep the boundaries marked out for it by the constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it is created; and its powers being expressly enumerated, there can be no justification for claiming any thing beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the constitution, the general government will before long absorb all the powers of legislation, and you will have in effect, but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the states, and to confine the action of the general government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the federal government so liable to abuse as the taxing power. The most productive and convenient sources of

revenue were necessarily given to it, that it might perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods, enhances by so much the price of the commodity to the consumer; and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the government: and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them; and, in such a case, it is unquestionably the duty of the government to reduce them, for no circumstances can justify it in assuming a power not given to it by the constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the government.

Plain as these principles appear to be, you will find that there is a constant effort to induce the general government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up, in various quarters, to squander the money and to pur-

chase support. Thus, one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed, when the executive department of the government, by its veto, endeavored to arrest this prodigal scheme of injustice, and to bring back the legislation of Congress to the boundaries prescribed by the constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the executive; and this plan of unconstitutional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt, and the large accumulation of a surplus in the treasury, notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the government is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments, desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters; and since the people have decided that the federal government cannot be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several states by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the general government, and annually divided among the states. And if encouraged by these fallacious hopes, the states should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures

exceeding their resources, they will, before long, find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff, in order to obtain a surplus distribution Do not allow yourselves, my fellow-citizens, to be misled on this subject. The federal government cannot collect a surplus for such purposes, without violating the principles of the constitution, and assuming powers which have not been granted. It is, moreover, a system of injustice, and, if persisted in, will inevitably lead to corruption and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the states, where it is to be disposed of by leading politicians who have friends to favor, and political partisans to gratify? It will certainly not be returned to those who paid it, and who have most need of it, and are honestly entitled to it. There is but one safe rule, and that is, to confine the general government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue, or impose taxes, except for the purposes enumerated in the constitution; and if its income is found to exceed these wants, it should be forthwith reduced, and the burdens of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several states upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particu-

larly drawn to the subject, to foresee all the consequences of a currency exclusively of paper: and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system Honest, and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations; thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted, by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on, from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given; suddenly curtail their issues; and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks, by this means, save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency, and these indiscreet extensions of credit, naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands, and various kinds of stocks, which within the last year or two, seized upon such a multitude of our citizens, and threatened to pervade all classes of society, and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue, and promote the true interests of our country. But if your currency

continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptations to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils, and destroy, at no distant day, the purity of your government. Some of the evils which arise from this system of paper, press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency, as to protect this numerous class as far as practicable from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations, by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace, is the source of our wealth; and their bravery in war, has covered us with glory, and the government of the United States will but ill discharge its duties, if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests cannot be effectually protected, unless silver and gold are restored to circulation.

These views alone, of the paper currency, are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper money system of this country, may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society; yet, from their number and dispersed situation, they cannot combine for the purposes of political influence; and whatever may be the dispositions of some of them, their power of michief must necessarily be confined to a narrow space, and felt only in their immediate neighborhood.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system, and gave its advocates the position they have struggled to obtain, from the commencement of the federal government down to the present hour. The immense capital, the peculiar privileges bestowed upon it, enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength, it could seriously injure, if not destroy the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times, to execute its mandates; and with the

banks necessarily went also that numerous class of persons in our commercial cities, who depend altogether on bank credits for their solvency and means of business; and who are, therefore, obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption, and its numerous dependents, under the direction and command of one acknowledged head; thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward, upon any occasion, its entire and undivided strength to support or defeat any measure of the government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruit of labor in every quarter of the Union; and to bestow prosperity, or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country, when the Bank of the United States waged war upon the people, in order to compel them to submit to its demands, cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States, If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the government would have passed from the hands of the many to the hands of the few

and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your government might, for a time, have remained; but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank, are some of the fruits of that system of policy which is continually striving to enlarge the authority of the federal government beyond the limits fixed by the constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decision upon the extent of the authority of the general government. Let us abide by the constitution as it is written, or amend it in the constitutional mode if it is found defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behoves you, therefore, to be watchful in your states, as well as in the federal government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the United States Bank. Defeated in the general government, the same class of intriguers and politicians will now resort to the states, and endeavor to obtain there the same organization, which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages, and state interests, and state pride, they will endeavor to establish, in the different states, one moneyed institution with overgrown capital, and exclu-

sive privileges sufficient to enable it to control the operations of other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and in the state in which it is chartered, the money power will be able to embody its whole strength, and to move together with undivided force, to accomplish any object it may wish to attain. You have already had abundant evidence of its powers to inflict injury upon the agricultural, mechanical, and laboring classes of society; and over those whose engagements in trade or speculation render them dependent on bank facilities, the dominion of the state monopoly will be absolute, and their obedience unlimited. With such a bank and a paper currency, the money power would in a few years govern the state and control its measures; and if a sufficient number of states can be induced to create such establishments, the time will soon come when it will again take the field against the United States, and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always

ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But, with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different states, and which are employed altogether for their benefit, and unless you become more watchful in your states, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-moneyed system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil, and it will require all your efforts to check its further growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the general government as well as in the states, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the

people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the government, to restore the constitutional currency of gold and silver; and something, I trust, has been done towards the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice, the important considerations which should govern your policy towards foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain that object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of sea-coast, indented by numerous bays, with deep rivers opening into the interior, as well as her extended and still increasing commerce, point

to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in a season of peace, and with an overflowing revenue, that we can year after year add to its strength, without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency, by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean, and selecting its object; but they are indispensable to prevent cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships of weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed, and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our military armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man; and from the earliest ages of history to the present day, there never have been thirteen millions of people asso

ciated together in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you, as the guardians of freedom, to preserve it for the benefit of the human race. May He, who holds in his hands the destinies of nations, make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend to the end of time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

VAN BUREN'S INAUGURAL ADDRESS,

March 4, 1837.

Fellow-Citizens:

The practice of all my predecessors imposes on me an obligation I cheerfully fulfil, to accompany the first and solemn act of my public trust with an avowal of the principles that will guide me in performing it, and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example, I tread in the footsteps of illustrious men, whose superiors it is our happiness to believe are not found on the executive calendar of any country. Among them we recognize the earliest and firmest pillars of the republic; those by whom our national independence was first declared; him who, above all others, contributed to establish it on the field of battle; and those whose expanded intellect and patriotism constructed, improved and perfected the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one, who can rely on no such claim for favor or forbearance. Unlike all who have preceded me, the revolution that gave us existence as one people, was achieved at the period of my birth; and whilst I contemplate, with grateful reverence, that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow-citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the government; did I not repose with unwavering reliance on the patriotism, the intelligence and the kindness of a people who never

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yet deserted a public servant honestly laboring in their cause; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet, in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad, we enjoy the respect, and, with scarcely an exception, the friendship of every nation; at home, while our government quietly, but efficiently performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy. All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scattered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing, if we fail sacredly to uphold those political institutions that were wisely and deliberately formed, with reference to every circumstance that could preserve, or might endanger the blessings we enjoy. The thoughtful framers of our constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and of patriots, they saw all the sources of rapid and wonderful prosperity; but they saw, also, that various habits, opinions, and institutions, peculiar to the various portions of so vast a region, were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through sinister designs;

they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions; and in some existed domestic institutions, which, unwisely disturbed, might endanger the harmony of the whole Most carefully were all these circumstances weighed, and the foundation of the government laid upon principles of mutual concession and equitable compromise. The jealousies which the smaller states might entertain of the power of the rest, were allayed by a rule of representation, confessedly unequal at the time, and designed forever to remain so. A natural fear that the broad scope of general legislation might bear upon and unwisely control particular interests, was counteracted by limits strictly drawn around the action of the federal authority; and to the people and the states was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse, as a united community, with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along; but on our institutions it has left no injurious mark. From a small community, we have risen to a people powerful in numbers and in strength; but with our increase has gone hand in hand the progress of just principle; the privileges, civil and religious, of the humblest individual are sacredly protected at home: and while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest nations; the value, and even nature of the productions has been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts, has continued to prevail in our councils, and never long been absent from our conduct. We have learned by experience a fruitful

lesson, that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward through all the conflicts of circumstances, and the vicissitudes inseparable from the lapse of years. The success that has thus attended our great experiment, is, in itself, sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow-citizens, looking forward to the far distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon themselves; that, if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come; and that America will present to every friend of mankind the cheering proof, that a popular government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago its rapid failure was predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fear of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience, during the struggles of the revolution, was supposed to warrant a belief that the people would not bear the taxation requisite to the discharge of an immense public debt already incurred, and to defray the necessary expenses of government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends, in cases of emergency, has uniformly outrun the confidence of their representatives.

In the early stages of the new government, when all felt the imposing influence, as they recognized the une-

qualled services of the first President, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our government together, and save us from the violence of contending factions. Since his death, nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American states. Occasionally it is true, the ardor of public sentiment, outrunning the regular process of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been less frequent in our country than any other of equal population on the globe; and with the diffusion of intelligence, it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens, will assuredly, in time, produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the great landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension

their enemies of hope. While they forsaw less promptness of action than in governments differently formed, they overlooked the far more important considerations, that with us war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice, who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error: the last war, far from impairing, gave new confidence to our government; and amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever ready military organization of other nations; we may occasionally suffer in the outset for the want of it, but, among ourselves, all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of states, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; the effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions; and the large variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits, too apparent ever to be overlooked.

In justly balancing the powers of the federal and state authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these, it was scarcely believed possible that a scheme of government so complex in construction, could remain uninjured. From time to time, embarrassments have certainly occurred; but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed. Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the federal government has successfully performed its appropriate functions in relation to foreign affairs, and concerns evidently national, that of every state has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much towards one or other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course; it is evident not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included?

Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and standing as I now do before my countrymen, in this high place of honor and trust, I cannot refrain from anxiously invoking my fellow-citizens never to be deaf to its dic-

tates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, "I must go into the presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding states; and also with a determination equally decided to resist the slightest interference with it in the states where it exists." I submitted also to my fellow-citizens, with fulness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our government, are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred; terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people nor sections of country have swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at agitation may periodically return, but with each the

object will be better understood. That predominating affection for our political system which prevails throughout our territorial limits; that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims or would lead to overthrow our institutions.

What can be more gratifying than such a retrospect as this? We look back on obstacles avoided and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will, at all times, magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that if administered in the true form, character and spirit in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare, that the principle that will govern me in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument, carefully and not easily framed; remembering that it was throughout a work of concession and compromise, viewing it as limited to national objects; regarding it as leaving to the people and the states all power not explicitly parted with, I shall endeavor to preserve, protect and defend it, by anxiously referring to its provisions for direction in every action. To matters of domestic concernment which it has entrusted to the federal government

and to such as relate to our intercourse with foreign nations, I shall zealously devote myself; beyond those limits I shall never pass.

To enter, on this occasion, into a further or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them, with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with the utmost ability.

Our course of foreign policy has been so uniform and intelligible, as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience, and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare, and the principles of our government. We decline alliances, as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and we disclaim all right to meddle in disputes whether internal or foreign, that may molest other countries; regarding them in their actual state, as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights, without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

in receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But, united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him, I but express, with my own, the wishes of all, that he may yet long live to enjoy the brilliant evening of his well-spent life, and for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justice and kindness. Beyond that, I only look to the gracious protection of that Divine Being whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of his providence to bless our beloved country with honors and with length of days; may her ways be ways of pleasantness, and all her paths be peace.

VAN BUREN'S FIRST ANNUAL MESSAGE,

December 4, 1837.

To the Senate,
and House of Representatives:

We have reason to renew the expression of our devout gratitude to the Giver of all good for his benign protection. Our country presents on every side the evidences of that continued favor under whose auspices it has gradually risen from a few feeble and dependent colonies to a prosperous and powerful confederacy. We are blessed with domestic tranquillity and all the elements of national prosperity. The pestilence which, invading for time some flourishing portions of the Union, interrupted

the general prevalence of unusual health, has happily been limited in extent, and arrested in its fatal career The industry and prudence of our citizens are gradually relieving them from the pecuniary embarrassments under which portions of them have labored; judicious legislation, and the natural and boundless resources of the country, have afforded wise and timely aid to private enterprise; and the activity always characteristic of our people has already in a great degree resumed its usual and profitable channels.

The condition of our foreign relations has not materially changed, since the last annual message of my predecessor. We remain in peace with all nations; and no efforts on my part, consistent with the preservation of our rights and the honor of our country, shall be spared to maintain a position so consonant to our institutions. We have faithfully sustained the foreign policy with which the United States, under the guidance of their first President, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges; rendering and demanding justice in all cases; advancing their own and discussing the pretensions of others, with candor, directness and sincerity; appealing at all times to reason, but never yielding to force, nor seeking to acquire any thing for themselves by its exercise.

A rigid adherence to this policy has left this government with scarcely a claim upon its justice, for injuries arising from acts committed by its authority. The most imposing and perplexing of those of the United States upon foreign governments for aggressions upon our citizens, were disposed of by my predecessor. Independently of the benefits conferred upon our citizens by restoring to the mercantile community so many millions of which they had been wrongfully divested, a great service was also rendered to his country by the satisfactory adjustment of so many ancient and irritating subjects of contention; and it reflects no ordinary credit on his successful administration of public affairs, that this great object was accomplished without compromising on any occasion, either the honor or the peace of the nation.

With European powers, no new subjects of difficulty have arisen; and those which were under discussion, although not terminated, do not present a more unfavorable aspect for the future preservation of that good understanding which it has ever been our desire to cultivate.

Of pending questions, the most important is that which exists with the government of Great Britain, in respect to our north-eastern boundary. It is with unfeigned regret that the people of the United States must look back upon the abortive efforts made by the executive, for a period of more than half a century, to determine, what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers The nature of the settlement on the borders of the United States, and of the neighboring territory, was for a season such, that this perhaps was not indispensable to a faithful performance of the duties of the federal government.

Time has, however, changed this state of things; and has brought about a condition of affairs, in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised, that with full confidence, often expressed, in the desire of the British government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long-pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate satisfactorily this dispute, by proposing the substitution of a conventional line, if the consent of the states interested in the question could be obtained.

To this proposition, no answer has yet been received. The attention of the British government, however, has been earnestly invited to the subject, and its reply cannot, I am confident, be much longer delayed. The general relations between Great Britain and the United States are

of the most friendly character, and I am well satisfied of the sincere disposition of that government to maintain them upon their present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you, how cordially it is reciprocated by the government and the people of the United States The conviction which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement cannot be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session I laid before you the recent communications between the two governments and between this government and that of the state of Maine, in whose solicitude, concerning a subject in which she has so deep an interest, every portion of the Union participates.

The feelings produced by a temporary interruption of those harmonious relations between France and the United States, which are due as well to the recollections of former times as to a correct appreciation of existing interests, have been happily succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. The opinion, undoubtedly correct, and steadily entertained by us, that the commercial relations at present existing between the two countries, are susceptible of great and reciprocally beneficial improvements, is obviously gaining ground in France; and I am assured of the disposition of that government to favor the accomplishment of such an object. This disposition shall be met in a proper spirit on our part. The few and comparatively unimportant questions that remain to be adjusted between us, can, I have no doubt, be settled with entire satisfaction, and without difficulty.

Between Russia and the United States, sentiments of good-will continue to be mutually cherished. Our minister recently accredited to that court, has been received with a frankness and cordiality, and with evidences of respect for his country, which leaves us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly ex

isted between the two countries. On the few subjects under discussion between us, an early and just decision is confidently anticipated.

A correspondence has been opened with the government of Austria, for the establishment of diplomatic relations, in conformity with the wishes of Congress, as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prussia, and with the states of the German empire, now composing with the latter the Commercial League, our political relations are of the most friendly character, while our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of its treasury, the inevitable consequence of long-continued and exhausting internal wars. The last instalment of the interest of the debt due under the convention with the queen of Spain has not been paid; and similar failures may be expected to happen until a portion of the resources of her kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25th, 1832, declaring that fact, and the duties on foreign tonnage, which were levied upon Portuguese vessels in the United States, previously to the passage of that act, are accordingly revived.

The act of July 4th, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed, upon the application of that government, through its representatives here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that

country, upon the cargoes of American vessels; and as the act referred to, vests no discretion in the Executive, it is for Congress to determine upon the expediency of further legislation upon the subject. Against these discriminations, affecting the vessels of this country and their cargoes, seasonable remonstrance was made, and notice was given to the Portuguese government, that unless they should be discontinued, the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that government received at the department of state through our charge d'affaires at Lisbon, in the month of September last, afforded no ground to hope for the abandonment of a system, so little in harmony with the treatment shown to the vessels of Portugal and their cargoes, in the ports of this country, and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples, and Belgium, a friendly intercourse has been uninterruptedly maintained.

With the government of the Ottoman Porte, and its dependencies on the coast of the Mediterranean, peace and good-will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.

Our commerce with Greece is carried on under the laws of the two governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received, and the treaties made public, since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the Sultan of Muscat, prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts towards one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the island of Cuba and Porto Rico, still labors under heavy restriction, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries, at the expense both of the United States and Spain.

The independent nations of this continent have, ever since they emerged from the colonial state, experienced severe trials in their progress to the permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the governments formed out of the republics of Colombia and Mexico, are still pending, although many of them have been presented for examinations more than twenty years. New Grenada, Venezuela, and Ecuador, have recently formed a convention for the purpose of ascertaining and adjusting the claims upon the republic of Colombia, from which it is earnestly hoped our citizens will, ere long, receive full compensation for the injuries originally inflicted upon them, and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that government. The progress of a subsequent negotiation for the settlement of claims upon Peru, has been unfavorably affected by the war between that power and Chili, and the Argentine Republic; and the same event is likely to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico, and a variety of events touching the honor and integrity of our government, led my predecessor to make, at the second session of the last Congress, a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this government and by our citizens. He recommended a final demand of redress with a contingent authority to the Executive to make reprisals, if that demand should be made in vain. From the proceedings of Congress on that recommendation, it appeared that the opinion of both branches of the legislature coin-

cided with that of the Executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed, with the President, that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power; but that there was an indisposition to vest a discretionary authority in the Executive to take redress, should it unfortunately be either denied or unreasonably delayed by the Mexican government.

So soon as the necessary documents were prepared, after entering upon the duties of my office, a special messenger was sent to Mexico, to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire, on the part of that government, to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate; that in this examination it would be guided by the principles of public law and the obligation of treaties; that nothing should be left undone that might lead to the most equitable adjustment of our demands; and that its determination, in respect to each case, should be communicated through the Mexican minister here.

Since that time, an envoy extraordinary and minister plenipotentiary has been accredited to this government by that of the Mexican republic. He brought with him assurances of a sincere desire that the pending differences between the two governments should be terminated in a manner satisfactory to both. He was received with reciprocal assurances, and a hope was entertained that his mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican republic, and well known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that government, and in restoring to the intercourse between the two

republics, that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply, to have found in the recent communications of that government, so little reason to hope that any efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number, and many of them aggravated cases of personal wrongs have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister. By the report of the secretary of state, herewith presented, and the accompanying documents, it will be seen, that for not one of our public complaints has satisfaction been given or offered; that but one of the causes of personal wrong has been favorably considered; and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican government.

Not perceiving in what manner any of the powers given to the Executive alone, could be further usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was, by my predecessor, referred to Congress, as one calling for its interposition In accordance with the clearly understood wishes of the legislature, another and formal demand for satisfaction has been made upon the Mexican government, with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican government, it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measures of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the councils of our country.

The balance in the treasury on the first day of January, 1837, was forty-five millions nine hundred and sixty-eight

thousand five hundred and twenty-three dollars. The receipts during the present year from all sources, including the amount of treasury notes issued, are estimated at twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, constituting an aggregate of sixty-nine millions four hundred and sixth-eight thousand five hundred and four dollars. Of this amount, about thirty-five millions two hundred and eighty-one thousand three hundred and sixty-one dollars will have been expended, at the end of the year, on appropriations made by Congress , and the residue, amounting to thirty-four millions one hundred and eighty-seven thousand one hundred and forty-three dollars, will be the nominal balance in the treasury on the first of January next. But of that sum, only one million eighty-five thousand four hundred and ninety-eight dollars is considered as immediately available for, and applicable to, public purposes.

Those portions of it which will be for some time unavailable, consist chiefly of sums deposited with the states, and due from the former deposit banks. The details upon this subject will be found in the annual report of the secretary of the treasury. The amount of treasury notes which it will be necessary to issue during the year on account of those funds being unavailable, will, it is supposed, not exceed four and a half millions. It seemed proper in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measures. The departments were, therefore, desired to prepare their estimates accordingly ; and I am happy to find that they have been able to graduate them on so economical a scale.

In the great and often unexpected fluctuations to which the revenue is subjected, it is not possible to compute the receipts beforehand with great certainty ; but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which, in consequence of those embarrass-

ments, has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the treasury notes, which have been issued during the present year will be redeemed, and that the resources of the treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The report of the secretary of the treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year; a period which, for the amount of public moneys disbursed and deposited with the states, as well as the financial difficulties encountered and overcome, has few parallels in our history.

Your attention was, at the last session, invited to the necessity of additional legislative provisions in respect to the collection, safe-keeping, and transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty again to bring the subject to your notice.

On that occasion, three modes of performing this branch of the public service were presented for consideration. These were, the creation of a national bank; the revival, with modifications, of the deposit system established by the act of the 23d June, 1836, permitting the use of the public moneys by the banks; and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both houses of Congress on the two first propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity, since your adjournment, not only to test still further the expediency of the measure, by the continued practical operation of such parts of it as are now in force, but also to discover —what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people.

The national will is the supreme law of the republic, and on all subjects within the limits of its constitutional

powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal communication with your constituents. For one state only has an election been held for the federal government; but the early day at which it took place, deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for state officers have, however, been held in several of the states, at which the expediency of the plan proposed by the executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember, that questions of far deeper and more immediate local interest than the fiscal plans of the national treasury were involved in those elections.

Above all, we cannot overlook the striking fact, that there were, at the time, in those states, more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture—other large portions upheld only by special and limited legislative indulgencies—and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the state legislatures to be then chosen. Apprised of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connection with the then pending elections, and the feelings it was calculated to infuse into the canvass, have not exercised a far greater influence over the result than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the general government, more remote and far less important in its bearing upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safe-

ty, either in the fiscal affairs of the government, or in the pecuniary transactions of individuals and corporations, so long as a connection exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiassed exercise of political opinion—the only sure foundation and safeguard of republican government—would be exposed by any further increase of the already overgrown influence of corporate authorities—I cannot, therefore, consistently with my views of duty, advise a renewal of a connection which circumstances have dissolved.

The discontinuance of the use of state banks for fiscal purposes ought not to be regarded as a measure of hostility towards these institutions. Banks properly established and conducted, are highly useful to the business of the country, and doubtless will continue to exist in the states so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the states to decide. Upon their rights, or the exercise of them, the general government can have no motive to encroach. Its duty toward them is well performed, when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the constitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connection with the federal government, nor on the use of the public money for their own benefit.

The object of the measure under consideration is, to avoid for the future a compulsory connection of this kind. It proposes to place the general government, in regard to the essential points of the collection, safe-keeping and transfer of the public money, in a situation which shall

relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade, and confine them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people, and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the treasury; to preserve the measures of the government from the unavoidable reproaches that flow from such a connection, and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject; formed after careful reflection, and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with an unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important, on a subject so interesting, could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests; so long as they pursue only the general good, and are discussed with moderation and candor, such diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light; and more especially if they should be satisfied that the measure proposed would not be acceptable to the people; I shall look to their wisdom to substitute such as may be more conducive to the one, and more satisfactory to the other. In any event, they may confidently rely on my hearty co-operation to the fullest extent which my views of the constitution and my sense of duty will permit.

It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law; and, if possible, at your present session. Besides the plan above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the state banks, in special deposit. This plan is, to some extent, in accordance with the practice

of the government, and which, except, perhaps during the operation of the late deposit act, has always been allowed, even during the existence of a national bank, to make a temporary use of the state banks, in particular places, for the safe-keeping of portions of the revenue.

This discretionary power might be continued, if Congress deem it desirable, whatever general system may be adopted. So long as the connection is voluntary, we need perhaps anticipate few of those difficulties, and little of that dependence on the banks, which must attend every such connection when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the public money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the government that control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree, accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the government from those of individuals or corporations.

With these observations, I recommend the whole matter to your dispassionate reflection; confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give stability to the fiscal operations of the government, and be consistent, on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary, on this occasion, any allusion to the late national bank. There are circumstances, however, connected with the present state of its affairs, that bear so directly on the character of the government and the welfare of the citizen, that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges on the fourth of March, 1836, continued its corporate powers two years more, for the sole purpose of closing its affairs, with authority "to

use the corporate name, style and capacity, for the purpose of suits, for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate, real, personal and mixed, but for no other purpose or in any other manner whatsoever." Just before the banking privileges ceased, its effects were transferred by the bank to a new state institution, then recently incorporated, in trust, for the discharge of its debts and the settlement of its affairs.

With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests, has been executed, would, under any circumstance, be a fit subject of inquiry; but much more does it deserve your attention when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and cancelled the outstanding notes of the bank, but has re-issued, and is continually re-issuing, since the 3d of March, 1836, the notes which have been received by it to a vast amount.

According to its own official statement, so late as the first of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncancelled notes of the late bank of the United States to the amount of twenty-seven millions five hundred and sixty-one thousand eight hundred and sixty-six dollars, of which six millions one hundred and seventy-five thousand eight hundred and sixty-one dollars were in actual circulation, one million four hundred and sixty-eight thousand six hundred and twenty seven dollars at state bank agencies, and three millions two thousand three hundred and ninety dollars *in transitu:* thus showing that upwards of ten millions and a half of the notes of the old bank were then still kept outstanding.

The impropriety of this procedure is obvious; it being the duty of the trustee to cancel and not to put forth the notes of an institution, whose concerns it had undertaken

to wind up. If the trustee has a right to re-issue these notes now, I can see no reason why he may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special provision for enforcing it; nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States, in settling with the trustee for their stock, have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent; and should they result unfortunately, the interests of individuals may be deeply compromised. Without undertaking to decide how far, or in what form, if any, the trustee could be made liable for notes which contain no obligation on his part; or the old bank, for such as are put in circulation after the expiration of its charter, and without its authority; or the government for indemnity in case of loss, the question still presses itself upon your consideration, whether it is consistent with the duty and good faith on the part of the government, to witness this proceeding without a single effort to arrest it.

The report of the Commissioner of the General Land Office, which will be laid before you by the secretary of the treasury, will show how the affairs of that office have been conducted for the past year. The disposition of the public lands is one of the most important trusts confided to congress. The practicability of retaining the title and control of such extensive domains in the general government, and at the same time admitting the territories embracing them into the federal union, as co-equal with the original states, was seriously doubted by many of our wisest statesmen. All feared that they would become a scource of discord, and many carried their apprehensions so far as to see in them the seeds of a future dissolution of the confederacy. But happily our expe-

rience has already been sufficient to quiet, in a great degree, all such apprehensions. The position, at one time assumed—that the admission of new states into the Union on the same footing with the original states, was incompatible with a right of soil in the United States, and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated—has been wisely abandoned.

Whether in the new or the old states, all now agree that the right of soil to the public lands remains in the federal government, and that these lands constitute a common property, to be disposed of for the common benefit of all the states, old and new. Acquiescence in this just principle by the people of the new states has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary it is generally conceded, that while the mode of disposition adopted by the government, should always be a prudent one, yet its leading object ought to be the early settlement, and cultivation of the lands sold; and that it should discountenance, if it cannot prevent, the accumulation of large tracts in the same hands, which must necessarily retard the growth of the new states, or entail upon them a dependent territory and its attendant evils.

A question embracing such important interests, and so well calculated to enlist the feelings of the people in every quarter of the Union, has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed, are, to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase, and accomplishing a double object of promoting their rapid settlement by the purchasers, and at the same time increasing the receipts of the treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the government which they have a voice in

controlling, to bring them into market no faster than good lands are supposed to be wanted for improvements, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the government; thus diminishing the amount to be raised from the people of the states by taxation, and giving each state its portion of the benefits to be derived from this common fund in a manner the most quiet, and at the same time, perhaps the most equitable that can be devised.

These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of government, have in their execution, produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upwards of seventy millions of acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new states and territories created out of the public domain, increased between 1800 and 1830, from less than sixty thousand, to upwards of two millions three hundred thousand souls, constituting, at the latter period, about one fifth of the whole people of the United States. The increase since cannot be accurately known, but the whole may now be safely estimated at over three and a half millions of souls; composing nine states, the representatives of which constitute above one third of the Senate, and over one sixth of the House of the Representatives of the United States.

Thus has been formed a body of free and independent landholders, with a rapidity unequalled in the history of mankind; and this great result has been produced without leaving any thing for future adjustment between the government and its citizens. The system under which so much has been accomplished cannot be intrinsically bad, and with occasional modifications, to correct abuses, and adapt it to changes of circumstances, may I think, be safely trusted for the future. There is, in the management of such extensive interests, much virtue in stability; and although great and obvious improvements should not be declined, changes should never be made

without the fullest examination, and the clearest demonstration of their practical utility.

In the history of the past, we have an assurance that this safe rule of action will not be departed from in relation to the public lands; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new states, is desirous of any radical alterations. On the contrary, the general disposition appears to be, to make such modifications and additions only as will more effectually carry out the original policy of filling our new states and territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsaleable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps forever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value.

The leading considerations urged in favor of the measure referred to, are, that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the government price downward; that these lands will not be purchased at the government price, so long as better can be conveniently obtained for the same amount; that there are large tracts which even the improvements of the adjacent lands will never raise to that price; and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlement in the new states, and to retard the full de-

velopement of that wise policy on which our land system is founded, to the injury not only of the several states where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction in prices according to the length of time the lands have been in the market, without reference to any other circumstances. The certainty that the efflux of time would not always in such cases, and perhaps not even generally, furnish a true criterion of value; and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value, so far as that can be accomplished without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the states as to the basis of taxation —an actual valuation of lands and classifications of them into different rates?

Would it not be practicable and expedient to cause the relative value of the public lands in the old districts, which have been for a certain length of time in market, to be appraised and classed into two or more rates below the present minimum price, by the officers now employed in this branch of the public service, or in any other mode deemed preferable, and to make those prices permanent, if upon the coming in of the report they shall prove satisfactory to Congress? Cannot all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it, avoided? It would seem to me that such a step, with a restriction of the sales to limited quantities, and for actual improvement, would be free from all just exceptions.

By the full exposition of the value of the lands thus furnished and extensively promulgated, persons living at a distance would be informed of their true condition, and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new states would be more compact, and large tracts would be sold which would otherwise remain on hand; not only would the land be brought within the means of a large number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands, rather than emigrate farther west in pursuit of a smaller quantity of better lands.

Such a measure would also seem to be more consistent with the policy of the existing laws—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the west, to occupy in groups the best spots of land, leaving immense wastes behind them, and enlarging the frontier beyond the means of the government to afford it adequate protection; but in encouraging it to occupy, with reasonable denseness, the territory over which it advances, and find its best defence in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantage of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country most of the public lands have been sold, and the registers and receivers have little to do. It is a subject worthy of inquiry whether, in many cases, two or more districts may not be consolidated, and the number of persons employed in this business considerably reduced. Indeed, the time will come, when it will be the true policy of the general government

as to some of the states, to transfer to them, for a reasonable equivalent, all the refuse and unsold lands, and to withdraw the machinery of the federal land offices altogether. All who take a comprehensive view of our federal system, and believe that one of its greatest excellencies consists in interfering as little as possible with the internal concerns of the states, look forward with grea interest to this result.

A modification of the existing laws in respect to the prices of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject. Many who have not the ability to buy at present prices, settle on those lands, with the hope of acquiring from their cultivation the means of purchasing under pre-emption laws, from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody, and only enter upon the waste domain; that they give additional value to the public lands in their vicinity, and their intention ultimately to pay the government price. So much weight has from time to time been attached to these considerations, that Congress have passed laws giving actual settlers on the public lands a right of pre-emption to the tracts occupied by them, at the minimum price.

These laws have in all instances been retrospective in their operations; but in a few years after their passage, crowds of new settlers have been found on the public lands, for similar reasons, and under like expectations, who have been indulged with the same privilege. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should, by law, be thrown open to all.

That which is intended, in all instances, to be legalized, should at once be made legal, that those who are disposed to conform to the laws, may enjoy at least equal

privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entries and payment of the government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish.

It would seem, therefore, to be the part of wisdom and sound policy to remove, as far as practicable, the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for these intrusions as the graduation of price already suggested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lowest prices, and leave him without apology for settling on lands not his own. If he did not, under such circumstances, he would enlist no sympathy in his favor; and the laws would be readily executed without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law, and now ask the enactment of another, to enable them to retain the lands occupied, upon payment of the minimum government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the nett of only six cents an acre more than the minimum government price. There is no reason to suppose that future sales will be more productive. The government, therefore, has no adequate pecuniary interest to induce it to drive those people from the lands they occupy, for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connection with the preparatory steps towards the graduation of the price of the public lands, and farther and more effectual pro-

visions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appears to me the most judicious disposition which can be made of this difficult subject.

The limitations and restrictions to guard against abuses in the execution of the pre-emption law, will necessarily attract the attention of Congress: but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the government on industrious settlers, are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the secretary of war will bring to your view the state of the army, and all the various subjects confided to the superintendence of that officer.

The principal part of the army has been concentrated in Florida, with a view and in the expectation of bringing the war in that territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers, of their entire garrisons, for the purpose of assembling in the field an army of less than four thousand men, would seem to indicate the necessity of increasing our regular forces; and the superior efficiency as well as greatly diminished expense of that description of troops, recommend this measure as one of economy, as well as of expediency. I refer to the report for the reasons which have induced the secretary of war to urge the re-organization and enlargement of the staff of the army, and of the ordnance corps, in which I fully concur.

It is not, however, compatible with the interest of the people to maintain, in time of peace, a regular force adequate to the defence of our extensive frontiers. In periods of danger and alarm, we must rely principally upon a well-organized militia; and some general arrangemen

that will render this description of force more efficient, has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor.

The provision in the constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States, presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the secretary of war, for the organization of the volunteer corps, and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps both of military and topographical engineers, has been more than once recommended by my predecessor, and my conviction of the propriety, not to say necessity of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The Military Academy continues to answer all the purposes of its establishment, and not only furnishes well-educated officers of the army, but serves to diffuse throughout the mass of our citizens, individuals possessed of military knowledge, and the scientific attainments of civil and military engineering. At present, the cadet is bound, with the consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged, thus exacting only one year's service in the army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense; and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the army and navy of the United States, has been heretofore recommended, and ap

pears to be required in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles, and graduate the supplies to the wants of the government, as well as to regulate their quality and insure their uniformity.

The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the ordnance office. The establishment of a manufactory of small arms west of the Alleghany mountains, upon the plan proposed by the secretary of war, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic states, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson, in 1804, has been steadily persevered in by every succeeding President, and may be considered the settled policy of the country. Unconnected at first with any well-defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the west; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will been seen, by referring to the report of the commissioner of Indian affairs, that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi, have for the most part, abandoned the hunter state and become cultivators of the soil. The improvement of their condition has been rapid, and it is believed that

they are now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction; and I cannot too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the band of the Wyandotts, the Six Nations, in New York, the Menomonees, Mandans, and Stockbridges, in Wisconsin, and Miamies, in Indiana. With all but the Menomonees, it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some tribes, even after treaties had been made with them to that effect, has arisen from various causes, operating differently on each of them.

In most instances they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important; and in some by the personal influence of interested chiefs.—These obstacles must be overcome; for the government cannot relinquish the execution of this policy without sacrificing important interests, and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the states and territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor, and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws, and be made sensible of the blessings of free government, and capable of enjoying its advantages.

In the possession of property, knowledge, and a good government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever present conviction of the importance of union, of peace among

themselves, and of the preservation of amicable relations with us.

The interests of the United States would also be greatly promoted by freeing the relations between the general and state governments, from what has proved a most embarrassing incumbrance, by a satisfactory adjustment of conflicting titles to lands, caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the state and general governments, and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the government to fulfil its treaty stipulations, and to protect the Indians thus assembled "at their new residence from all interruptions and disturbances from any other tribes or nations of Indians, or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostilities its own border settlements stretching along a line of more than one thou sand miles. To enable the government to redeem their pledge to the Indians, and to afford adequate protection to its own citizens, will require the continual presence of a considerable regular force on the frontiers, and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defence, the results of which will be presented to you by the secretary of war at an early day, together with a plan for the effectual protection of friendly Indians, and the permanent defence of the frontier states.

By the report of the secretary of the navy, herewith communicated, it appears that unremitted exertions have been made at the different navy-yards, to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship of the line Pennsylvania, and the complete repairs of the ships of the line Ohio, Delaware, and Columbus, may be noticed, as forming a respectable addition to this important arm of our national defence Our commerce and navigation have received increased

aid and protection during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in co-operating with the officers of the army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad, leaves at our disposal the means of conveniently providing for a home squadron, for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval service, for the year 1838.

The naval officers engaged upon our coast survey, have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without danger, must afford important commercial advantages to that harbor, and add greatly to its value as a naval station. The accurate survey of Georges' shoals, off the coast of Massachusetts, lately completed, will render comparatively safe, a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons and assistant surgeons in the navy. These additions were rendered necessary, by the increased number of vessels put in commission, to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the secretary, for the improvement of the naval service.

The report of the postmaster-general exhibits the progress and condition of the mail service. The operations of the post-office department, constitutes one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an

extent of about one hundred and forty-two thousand eight hundred and seventy-seven miles, having been increased about thirty-seven thousand one hundred and three miles, within the last two years.

The annual mail transportation on these routes is about 36,228,962 miles, having been increased about 10,359,476 miles within the same period. The number of post-offices has also been increased from 10,770, to 12,099, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and post-masters in general are represented as attending to their duties with most commendable zeal and fidelity.

The revenue of the department within the year ending on the 30th of June last, was $4,137,066 59; and its liabilities accruing within the same time, were $3,380,847 75. The increase of revenue over that of the preceding year, was $708,166 41.

For many interesting details, I refer you to the report of the postmaster-general, with the accompanying paper. Your particular attention is invited to the necessity of providing a more safe and convenient building for the accommodation of the department.

I lay before Congress copies of reports, submitted in pursuance of a call made by me upon the heads of departments, for such suggestions as their experience might enable them to make, as to what further legislative provisions may be advantageously adopted to secure the faithful application of public money to the objects for which they are appropriated; to prevent their misapplication or embezzlement by those intrusted with the expenditure of them; and generally to increase the security of the government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends; and I have little to add to the recommendations submitted in the accompanying papers.

By law, the terms of service of our most important collecting and disbursing officers in the civil departments, are limited to four years, and when re-appointed, their

bonds are required to be renewed. The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers intrusted with the collection or disbursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of department as you may think useful, a general provision that all officers of the army or navy, or in the civil department, intrusted with the receipt or payment of the public money, and whose term of service is either unlimited or for a longer time than four years, be required to give bonds, with good and sufficient securities, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the first of October to the first of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats, which have so frequently happened, during the year, seem to evince the necessity of attempting to prevent them by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the secretary of the treasury, in his last annual report, and will be again noticed at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia, and I should not again ask it, did not their entire dependence on Congress give them a constant claim upon its notice. Separated by the constitution from the rest of the Union, limited in extent, and aided by no legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted.

This district, however, unfortunately, has been left to linger behind the rest of the Union; its codes, civil and criminal, are not only very defective, but full of obsolete or inconvenient provisions; being formed of portions of two states, discrepancies in the laws prevail in different parts of the territory, small as it is; and although it was

selected as the seat of the general government, the site of its public edifices, the depository of its archives, and the residence of officers intrusted with large amounts of public property, and the management of public business. yet it has never been subjected to, or received, that special and comprehensive legislation which these circumstances peculiarly demand.

I am well aware of the various subjects of greater magnitude and immediate interest, that press themselves on the consideration of Congress; but I believe there is no one that appeals more directly to its justice, than a liberal and even generous attention to the interests of the District of Columbia, and a thorough and careful revision of its local government.

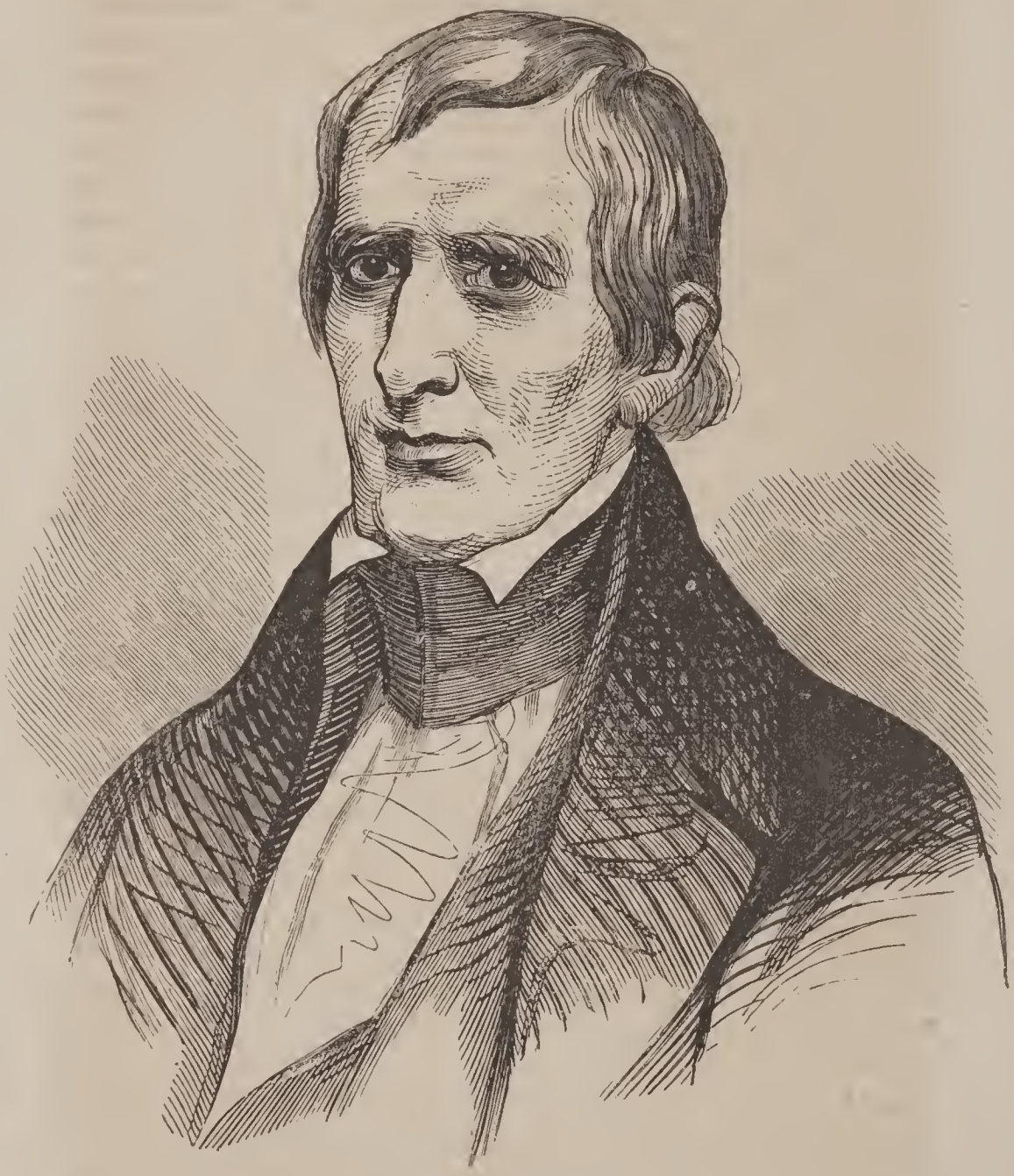
HARRISON'S INAUGURAL ADDRESS,

March 4 1841.

Fellow-Citizens:

Called from a retirement which I had supposed was to continue for the residue of my life, to fill the Chief Executive office of this great and free nation, I appear before you, to take the oaths which the Constitution prescribes, as a necessary qualification for the performance of its duties. And in obedience to a custom coeval with our government and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman Consul, in an early period of that celebrated republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out, in the latter case, the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse



W. H. Harrison.

of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments, would develope similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me the Chief Magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they may be supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or, approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will confirm or dispel their fears. The outline of principles to govern; and measures to be adopted, by an Administration not yet begun, will soon be exchanged for immutable history, and I shall stand, either exonerated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray. However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the dangerous temptations to which I shall be exposed, fron the magnitude of the power which it has been the pleasure of the people to commit to my hands, not to place my chief confidence upon the aid of that Almighty power which has hitherto protected me, and enabled me to bring to favorable issues other important but still greatly inferior trusts, heretofore confided to me by my country.

The broad foundation upon which our Constitution rests being the people—a breath of theirs having made, as a breath can unmake, change or modify it—it can be assigned to none of the great divisions of Government, but to that of democracy. If such is its theory, those who are called upon to administer it must recognize, as its leading principle, the duty of shaping their measures so as to produce the greatest good to the greatest number But, with these broad admissions, if we would compare the sovereignty acknowledged to exist in the mass of our

people, with the power claimed by other sovereigntiee, even by those which have been considered most purely democratic, we shall find a most essential difference.—All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no Government by divine right. Believing that, so far as power is concerned, the Beneficent Creator has made no distinction amongst men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The Constitution of the United States is the instrument containing this grant of power to the several departments composing the Government. On an examination of that instrument, it will be found to contain declarations of power granted and of power withheld. The latter is also susceptible of division, into power which the majority had the right to grant, but which they did not think proper to intrust to their agents, and that which they could not have granted, not being possessed by themselves. In other words, there are certain rights possessed by each individual American citizen, which, in his compact with the others, he has never surrendered. Some of them, indeed, he is unable to surrender, being in the language of our system unalienable. The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, whilst the proud democrat of Athens could console himself under the sentence of death, for a supposed violation of the national faith, which no one understood, and which at times was the subject of the mockery of all, or the banishment from his home, his family and his country, with or without an alleged cause ; that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well ascertained guilt, the result of investigation under rules prescribed by the Constitution itself These precious privileges, and those scarcely less

important, of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injury to others, and that of a full participation in all the advantages which flow from the Government, the acknowledged property of all, the American citizen derives from no charter granted by his fellow man. He claims them because he is himself a man, fashioned by the same Almighty hand as the rest of his species, and entitled to a full share of the blessings with which he has endowed them. Notwithstanding the limited sovereignty possessed by the people of the United States, and the restricted grant of power to the Government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, an intimate union effected, domestic tranquillity preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sententious manner in which the Constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant.

This is more particularly the case in relation to that part of the instrument which treats of the legislative branch. And not only as regards the exercise of powers claimed under a general clause, giving that body the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect, that *most* of the instances of alleged departure from the letter or spirit of the Constitution, have ultimately received the sanction of a majority of the people. And the fact that many of our statesmen, most distinguished for talent and patriotism, have been at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors if errors they were, are attributable to the intrinsic difficulty, in many instances, of ascertaining the intentions of the framers of the Constitution, rather than the influence of any sinister or unpatriotic motive. But the great danger to our institutions does not appear to me to be in a usurpation by the Government of

power not granted by the people, but by the accumulation in one of the departments, of that which was assigned to others. Limited as are the powers which have been granted, still enough have been granted to constitute a despotism, if concentrated in one of the departments. This danger is greatly heightened, as it has been always observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights. When the Constitution of the United States first came from the hands of the Convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the federal government, and more particularly of that portion which had been assigned to the Executive branch. There were in it features which appeared not to be in harmony with their ideas of a simple representative of Democracy, or Republic. And knowing the tendency of power to increase itself, particularly when exercised by a single individual, predictions were made that, at no very remote period, the Government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe that the tendency of measures, and of men's opinions, for some years past, has been in that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances I have heretofore given, of my determination to arrest the progress of that tendency, if it really exists, and restore the Government to its pristine health and vigor, as far as this can be effected in any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, and the correctives which may be applied. Some of the former are unquestionably to be found in the defects of the Constitution; others, in my judgment, are attributable to a misconstruction of some of its provisions. Of the former is the eligibility of the same individual to a second term of the Presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without

success, to apply the amendatory power of the States, to its correction. As, however, one mode of correction is in the power of every President, and consequently in mine, it would be useless, and perhaps invidious to enumerate the evils of which, in the opinion of many of our fellow-citizens, this error of the sages who framed the Constitution, may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general remark, that republics can commit no greater error than to adopt or continue any feature in their systems of government which may be calculated to create or increase the love of power in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting. Nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a Republic to limit the service of that officer, at least, to whom she has entrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal; the servant not the master. Until an amendment of the Constitution can be effected, public opinion may secure the desired object. I give my aid to it, by renewing the pledge heretofore given, that under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the Constitution, in the want of limit to the continuance of the Executive power in the same hands, there is, I apprehend, not much less from a misconstruction of that instrument, as it regards the powers actually given. I cannot conceive that by a fair construction, any or either of its provisions would be

found to constitute the President a part of the legislative power. It cannot be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligations of ultimate decision there can be no difference. In the language of the Constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the Constitution has given the Executive the power to annul the acts of the legislative body, by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the judiciary, and yet the judiciary forms no part of the legislature. There is, it is true, this difference between these grants of power; the Executive can put his negative upon the acts of the legislature for other causes than that of want of conformity to the Constitution, whilst the judiciary can only declare void those which violate that instrument. But the decision of the judiciary is final in such a case, whereas in every instance where the veto of the Executive is applied it may be overcome by a vote of two-thirds of both Houses of Congress. The negative upon the acts of the legislature, by the Executive authority, and that in the hands of one individual, would seem to be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient, and if used only with the forbearance, and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safe guards to the Union. At the period of the formation of the Constitution, the principle does not appear to have enjoyed much favor in the State Governments. It existed but in two, and in one of these there was a plural Executive. If we should search for the motives which operated upon the purely patriotic and enlightened assembly which framed the Constitution, for the adoption of a provision so apparently repugnant to the leading democratic

principles, that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation. They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the State Legislatures, not to have the fullest confidence that the two bodies elected by them would be worthy representatives of such constituents, and, of course, that they would require no aid in conceiving and maturing measures which the circumstances of the country might require. And it is preposterous to suppose that a thought could for a moment have been entertained, that the President, placed at the Capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate representatives, who spent a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interest, duty and affection. To assist or control Congress then in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the President. This argument acquires additional force from the fact of its never having been thus used by the first six Presidents, —and two of them were members of the Convention, one presiding over its deliberations, and the other bearing a larger share in consummating the labors of that august body than any other person. But if bills never were returned to Congress by either of the Presidents above referred to, upon the ground of their being inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity to the Constitution, or because errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle, which had probably more influence in recommending it to the Convention than any other. I refer to the security which it gives to the just and equitable action of the legislature upon all parts of the Union. It could not but have occurred to the Convention that, in a country so extensive, embracing so great a variety of soil and climate and consequently of products, and which, from the same causes, must ever exhibit a great difference in the

amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority might not always justly regard the rights and interests of the minority. And that acts of this character might be passed, under an express grant by the words of the Constitution, and, therefore, not within the competency of the judiciary to declare void. That however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking, in the general, of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feelings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expected. Such a one was afforded by the Executive department, constituted by the Constitution. A person elected to that high office, having his constituents in every section, state and sub-division of the Union, must consider himself bound by the most solemn sanctions, to guard, protect, and defend the rights of all, and of every portion, great or small, from the injustice and oppression of the rest. I consider the veto power, therefore, given by the Constitution to the Executive of the United States, solely as a conservative power. To be used only, first, to protect the Constitution from violation; 2dly, the people from the effects of hasty legislation where their will has been probably disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the rights of minorities. In reference to the second of these objects, I may observe that I consider it the right and privilege of the people to decide disputed points of the Constitution, arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe with Mr. Madison, "that repeated recognitions, under varied circumstances, in acts of the legislature, executive, and judicial branches of the Government, accompanied by indications, in different modes, of the concurrence of the general will of the nation, as affording to the President sufficient authority for his considering such disputed points as settled.

Upwards of half a century has elapsed since the adoption of the present form of Government. It would be an object more highly desirable than the gratification of the curiosity of speculative statesmen, if its precise situation could be ascertained, a fair exhibit made of the operations of each of its departments, of the powers which they respectively claim and exercise, of the collisions which have occurred between them, or between the whole Government and those of the States, or either of them. We could then compare our actual condition, after fifty years trial of our system, with what it was in the commencement of its operations, and ascertain whether the predictions of the patriots who opposed its adoption, or the confident hopes of its advocates have been best realized. The great dread of the former seems to have been, that the reserved powers of the states would be absorbed by those of the Federal Government, and a consolidated power established, leaving to the states the shadow only of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The general Government has seized upon none of the reserved rights of the states. As far as any open warfare may have gone, the state authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other.

But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized; and not only will the State authorities be overshadowed by the great increase of power in the Executive department of the general Government, but the character of that Government, if not its designation, be essentially and radically changed This state of things has been in part effected by causes

inherent in the Constitution and in part by the never failing tendency of political power to increase itself. By making the President the sole distributor of all the patronage of the Government, the framers of the Constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the state Governments. Of trifling importance at first, it had, early in Mr. Jefferson's administration, become so powerful as to create great alarm in the mind of that patriot from the potent influence it might exert in controlling the freedom of the elective franchise. If such could then have been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the Executive will than their construction of their powers allowed, or the forbearing characters of all the early Presidents permitted them to make. But it is not by the extent of its patronage alone that the Executive department has become dangerous, but by the use which it appears may be made of the appointing powers to bring under its control the whole revenues of the country. The Constitution has declared it to be the duty of the President to see that the laws are executed, and it makes him the Commander-in-chief of the Armies and Navy of the United States. If the opinion of the most approved writers upon that species of mixed Government, which, in modern Europe is termed *monarchy* in contradistinction to *despotism*, is correct, there was wanting no other addition to the powers of our Chief Magistrate to stamp a monarchical character on our Government, but the control of the public finances. And to me it appears strange, indeed, that and one should doubt, that the entire control which the President possesses over the officers who have the custody of the public money, by the power of removal, with or without cause, does, for all mischievous purposes at least, virtually subject the treasures also to his disposal. The first Roman Emperor, in his attempt to seize the sacred treasure, silenced the opposition of the officer to whose charge it had been committed by a significant allusion to his sword. By a selection of political instruments for the care of the public

money, a reference to their commission by a President, would be quite as effectual an argument as that of Cæsar to the Roman Knight. I am not insensible of the great difficulty that exists in drawing a proper plan for the safe keeping and disbursement of the public revenues, and I know the importance which has been attached by men of great abilities and patriotism to the divorce, as it is called, of the treasury from the banking institutions. It is not the divorce which is complained of, but the unhallowed union of the Treasury with the Executive department, which has created such extensive alarm. To this danger to our republican institutions, and that created by the influence given to the Executive, through the instrumentality of the federal officers, I propose to apply all the remedies which may be at my command. It was certainly a great error in the framers of the Constitution, not to have made the officer at the head of the treasury department entirely independent of the Executive. He should at least have been removable only upon the demand of the popular branch of the legislature. I have determined never to remove a Secretary of the Treasury, without communicating all the circumstances attending such removal to both Houses of Congress.

The influence of the Executive in controlling the freedom of the elective franchise through the medium of the public officers, can be effectually checked by renewing the prohibition published by Mr. Jefferson forbidding their interference in elections further than giving their own votes, and their own independence secured by an assurance of perfect immunity, in exercising this sacred privilege of freemen under the dictates of their own unbiassed judgments. Never, with my consent, shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of Executive will.

There is no part of the means placed in the hands of the Executive which might be used with greater effect, for unhallowed purposes, than the control of the public press. The maxim which our ancestors derived from the mother country, that "the freedom of the press is the great bulwark of civil and religious liberty," is one of the

most precious legacies which they have left us. We have learned, too, from our own, as well as the experience of other countries, that golden shackles, by whomsoever or by whatever pretence imposed, are as fatal to it as the iron bonds of despotism. The presses in the necessary employment of the Government should never be used "to clear the guilty, or to varnish crime." A decent and manly examination of the acts of the government should be not only tolerated but encouraged.

Upon another occasion I have given my opinion, at some length, upon the impropriety of Executive interference in the legislation of Congress. That the article in the Constitution making it the duty of the President to communicate information, and authorising him to recommend measures, was not intended to make him the source in legislation, and, in particular, that he should never be looked to for schemes of finance. It would be very strange, indeed, that the Constitution should have strictly forbidden one branch of the legislature from interfering in the organization of such bills, and that it should be considered proper that an altogether different department of the government should be permitted to do so. Some of our best political maxims and opinions have been drawn from our parent Isle. There are others, however, which cannot be introduced into our system without singular incongruity and the production of much mischief. And this I conceive to be one. No matter in which of the houses of Parliament a bill may originate, nor by whom introduced, a minister or a member of the opposition, by the fiction of law, or rather of constitutional principle, the sovereign is supposed to have prepared it agreeably to his will, and then submitted it to Parliament for their advice and consent. Now, the very reverse is the case here, not only with regard to the principle, but the forms prescribed by the Constitution. The principle certainly assigns to the only body constituted by the Constitution (the legislative body) the power to make laws, and the forms even direct that the enactment should be as ascribed to them. The Senate in relation to revenue bills, have the right to propose amendments; and so has the Executive, by the power given him, to return them to the House

of Representatives with his objections. It is in his power, also, to propose amendments to the existing revenue laws suggested by his observations upon their defective or injurious operation. But the delicate duty of devising schemes of revenue should be left where the Constitution has placed it—with the immediate representatives of the people. For similar reasons, the mode of keeping the public treasure should be prescribed by them, and the farther it is removed from the control of the Executive, the more wholesome the arrangement, and the more in accordance with republican principle.

Connected with this subject is the character of the currency. The idea of making it exclusively metallic, however well intended, appears to me to be fraught with more fatal consequences than any other scheme, having no relation to the personal rights of the citizens, that has ever been devised. If any single scheme could produce the effect of arresting, at once, that mutation of condition by which thousands of our most indigent fellow-citizens, by their industry and enterprise, are raised to the possession of wealth, that is the one. If there is one measure better calculated than another to produce that state of things so much deprecated by all true Republicans, by which the rich are daily adding to their hoards, and the poor sinking deeper into penury, it is an exclusive metallic currency. Or if there is a process by which the character of the country for generosity and nobleness of feeling, may be destroyed by the great increase and necessary toleration of usury, it is an exclusive metallic currency.

Amongst the other duties of a delicate character which the President is called upon to perform, is the supervision of the government of the Territories of the United States. Those of them which are destined to become members of our great political family, are compensated by their rapid progress from infancy to manhood, for the partial and temporary deprivation of their political rights. It is in this District only, where American citizens can be found, who, under a settled policy, are deprived of many important political privileges, without inspiring hope as to the future. Their only consolation under circumstances of such deprivation, is that of the devoted exterior guards of a camp—that

their sufferings secure tranquillity and safety within.—Are there any of their countrymen who would subject them to greater sacrifices, to any other humiliations than those essentially necessary to the security of the object for which they were thus separated from their fellow citizens? Are their rights alone not to be guaranteed by the application of those great principles upon which all ir Constitutions are founded? We are told by the greatest of British orators and statesmen, that at the com-.nencement of the war of the Revolution, the most stupid men in England spoke of "their American subjects."—Are there indeed citizens of any of our States who have dreamed *of their subjects* in the District of Columbia? Such dreams can never be realized by any agency of mine. The people of the District of Columbia are not the subjects of the people of the States, but free American citizens. Being in the latter condition when the Constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is any thing in the great principle of unalienable rights, so emphatically insisted upon in our Declaration of Independence, they could neither make, nor the United States accept, a surrender of their liberties, and become the *subjects*, in other words, the slaves, of their former fellow-citizens. If this be true (and it will scarcely be denied by any one who has a correct idea of his own rights as an American citizen) the grant to Congress of exclusive jurisdiction in the District of Columbia can be interpreted, so far as respects the aggregate people of the United States, as meaning nothing more than to allow to Congress the controlling power necessary to afford a free and safe exercise of the functions assigned to the general Government by the Constitution. In all other respects, the legislation of Congress should be adapted to their peculiar condition and wants, and be conformable with their deliberate opinions of their own interests.

I have spoken of the necessity of keeping the respective departments of the Government, as well as all the other authorities of our country, within their appropriate orbits. This is a matter of difficulty in some cases, as the powers which they respectively claim are often not defined by any distinct lines. Mischievous, however, in

their tendencies, as collisions of this kind may be, those which arise between the respective communities which, for certain purposes, compose one nation, are much more so; for no such nation can long exist without the careful culture of those feelings of confidence and affection which are the effective bonds of union between free and confederated states. Strong as is the tie of interest, it has been often found ineffectual. Men, blinded by their passions, have been known to adopt measures for their country in direct opposition to all the suggestions of policy. The alternative, then, is, to destroy or keep down a bad passion by creating and fostering a good one; and this seems to be the corner-stone upon which our American political architects have reared the fabric of our Government. The cement which was to bind it, and perpetuate its existence, was the affectionate attachment between all its members. To insure the continuance of this feeling produced at first by a community of dangers, of sufferings, and of interests, the advantages of each were made accessible to all. No participation in any good, possessed by any member of our extensive confederacy, except in domestic government, was withheld from the citizen of any other member. By a process attended with no difficulty, no delays, no expense but that of removal, the citizen of one might become the citizen of any other, and successively of the whole. The lines, too, separating powers to be exercised by the citizens of one state from those of another, seemed to be so distinctly drawn as to leave no room for misunderstanding. The citizens of each state unite in their persons all the privileges which that character confers, and all that they may claim as citizens of the United States; but in no case can the same person, at the same time, act as the citizen of two separate states, and *he is therefore positively precluded from any interference with the reserved powers of any state but that of which he is, for the time being, a citizen.* He may indeed offer to the citizens of other states his advice as to their management, and the form in which it is tendered is left to his own discretion and sense of propriety. It may be observed, however, that organized associations of citizens, requiring compliance with their wishes, too much resemble the *recommendations* of Athens to her allies—supported

by an armed and powerful fleet. It was, indeed, to the ambition of the leading states of Greece to control the domestic concerns of the others, that the destruction of that celebrated confederacy, and subsequently of all its members, is mainly to be attributed. And it is owing to the absence of that spirit that the Helvetic confederacy has for so many years been preserved. Never has there been seen in the institutions of the separate members of any confederacy more elements of discord. In the principles and forms of government and religion, as well as in the circumstances of the several cantons, so marked a discrepance was observable, as to promise any thing but harmony in their intercourse, or permanency in their alliance; and yet, for ages neither has been interrupted. Content with the positive benefits which their union produced, with the independence and safety from foreign aggression which it secured, these sagacious people respected the institutions of each other, however repugnant to their own principles and prejudices.

Our confederacy, fellow-citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the powers with which the Constitution clothes them. The attempt of those of one state to control the domestic institutions of another, can only result in feelings of distrust and jealousy, the certain harbingers of disunion, violence, civil war, and the ultimate destruction of our free institutions. Our confederacy is perfectly illustrated by the terms and principles governing a common co-partnership. There is a fund of power to be exercised under the direction of the joint councils of the allied members, but that which has been reserved by the individual members is intangible by the common government, or the individual members composing it. To attempt it finds no support in the principles of our Constitution.

It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our confederacy. Experience has abundantly taught us, that the agitation, by citizens of one part of the Union, of a subject not confided to the general Government, but exclusively under the guardianship

of the local authorities, is productive of no other consequences than bitterness, alienation, discord, and injury to the very cause which is intended to be advanced. Of all the great interests which appertain to our country, that of union—cordial, confiding, fraternal union—is by far the most important, since it is the only true and sure guaranty of all others.

In consequence of the embarrassed state of business and the currency, some of the states may meet with difficulty in their financial concerns. However deeply we may regret any thing imprudent or excessive, in the engagements into which states have entered for purposes of their own, it does not become us to disparage the state Governments, nor to discourage them from making proper efforts for their own relief. On the contrary, it is our duty to encourage them, to the extent of our constitutional authority, to apply their best means, and cheerfully to make all necessary sacrifices, and submit to all necessary burdens, to fulfil their engagements and maintain their credit; for the character and credit of the several states form a part of the character and credit of the whole country. The resources of the country are abundant; the enterprise and activity of our people proverbial; and we may well hope that wise legislation and prudent administration, by the respective governments, each acting within its own sphere, will restore former prosperity.

Unpleasant and even dangerous as collisions may sometimes be between the constituted authorities or the citizens of our country, in relation to the lines which separate their respective jurisdictions, the results can be of no vital injury to our institutions, if that ardent patriotism, that devoted attachment to liberty, that spirit of moderation and forbearance for which our countrymen were once distinguished, continue to be cherished. If this continues to be the ruling passion of our souls, the weaker feeling of the mistaken enthusiast will be corrected, the utopian dreams of the scheming politician dissipated, and the complicated intrigues of the demagogue rendered harmless. The spirit of liberty is the sovereign balm for every injury which our institutions may receive. On the contrary, no care that can be used in the construction of our Government, no division of powers, no distribution

of checks in its several departments, will prove effectual to keep us a free people, if this spirit is suffered to decay: and decay it will without constant nurture. To the neglect of this duty the best historians agree in attributing the ruin of all the republics with whose existence and fall their writings have made us acquainted.

The same causes will ever produce the same effects; and as long as the love of power is a dominant passion of the human bosom, and as long as the understandings of men can be warped and their affections changed, by operations upon their passions and prejudices, so long will the liberties of a people depend on their own constant attention to its preservation. The danger to all well-established free Governments arises from the unwillingness of the people to believe in its existence, or from the influence of designing men, diverting their attention from the quarter whence it approaches to a source from which it can never come. This is the old trick of those who would usurp the government of their country. In the name of democracy they speak, warning the people against the influence of wealth, and the danger of aristocracy. History, ancient and modern, is full of such examples. Cæsar became the master of the Roman people and the Senate, under the pretence of supporting the democratic claims of the former against the aristocracy of the latter. Cromwell, in the character of Protector of the liberties of the people, became the Director of England, and Bolivar possessed himself of unlimited power with the title of his country's Liberator. There is, on the contrary, no single instance on record, of an extensive and well-established republic being changed into an aristocracy. The tendencies of all such governments, in their decline, is to monarchy: and the antagonist principle to liberty, there, is the spirit of faction—a spirit which assumes the character, and in times of great excitement imposes itself upon the people as the genuine spirit of freedom, and, like the false Christs, whose coming was foretold by the Saviour, seeks, and were it possible, would impose upon the true and most faithful disciples of liberty. It is in periods like this that it behooves the people to be most watchful of those to whom they have entrusted power. And although

there is at times much difficulty in distinguishing the false from the true spirit, a calm and dispassionate investigation will detect the counterfeit, as well by the character of its operations, as the results that are produced. The true spirit of liberty, although devoted, persevering, bold, and uncompromising in principle—that secured—is mild, and tolerant, and scrupulous as to the means it employs; whilst the spirit of party, assuming to be that of liberty, is harsh, vindictive and intolerant, and totally reckless as to the character of the allies which it brings to the aid of its cause. When the genuine spirit of liberty animates the body of a people to a thorough examination of their affairs, it leads to the excision of every excrescence which may have fastened itself upon any of the departments of the Government, and restores the system to its pristine health and beauty. But the reign of an intolerant spirit of party, amongst a free people, seldom fails to result in a dangerous accession to the Executive power—introduced and established amidst unusual professions of devotion to democracy.

The foregoing remarks relate, almost exclusively, to matters connected with our domestic concerns. It may be proper, however, that I should give some indications to my fellow-citizens of my proposed course of conduct in the management of our foreign relations. I assure them, therefore, that it is my intention to use every means in my power to preserve the friendly intercourse which now so happily subsists with every foreign nation. And that although, of course, not well informed as to the state of pending negotiations with any of them, I see, in the personal characters of their sovereigns, as well as in the mutual interests of our own, and of the governments with which our relations are most intimate, a pleasing guaranty that the harmony so important to the interests of their subjects, as well as of our citizens, will not be interrupted by the advancement of any claim or pretension upon their part to which our honor would not permit us to yield.—Long the defender of my country's rights in the field, I trust that my fellow citizens will not see, in my earnest desire to preserve peace with foreign powers, any indication that their rights will ever be sacrificed, or the

honor of the nation tarnished, by any admission on the part of their Chief Magistrate, unworthy of their former glory. In our intercourse with our aboriginal neighbours, the same liberality and justice which marked the course prescribed to me by two of my illustrious predecessors, when acting under their direction in the discharge of the duties of Superintendent and Commissioner, shall be strictly observed. I can conceive of no more sublime spectacle—none more likely to propitiate an impartial and common Creator—than a rigid adherence to the principles of justice, on the part of a powerful nation, in its transaction with a weaker and uncivilized people, whom circumstances have placed at its disposal.

Before concluding, fellow citizens, I must say something to you on the subject of the parties at this time existing in our country. To me it appears perfectly clear that the interest of that country requires that the violence of the spirit by which those parties are at this time governed, must be greatly mitigated, if not entirely extinguished or consequences will ensue which are apalling to be thought of.

If parties in a Republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends: beyond that, they become destructive of public virtue, the parent of a spirit antagonist to that of liberty, and eventually its inevitable conqueror. We have examples of republics, where the love of country and of liberty at one time were the dominant passions of the whole mass of citizens, and yet, with the continuance of the name and forms of free government, not a vestige of these qualities remaining in the bosoms of any one of its citizens. It was the beautiful remark of a distinguished English writer, that "In the Roman Senate, Octavius had a party, and Anthony a party, but the Commonwealth had none." Yet the Senate continued to meet in the Temple of Liberty, to talk of the sacredness and beauty of the Commonwealth, and gaze at the statues of the elder Brutus and of the Curtii and Decii; and the people assembled in the forum, not as in the days of Camillus and the Scipios, to cast their free votes for annual magistrates, or pass upon the acts of the

Senate, but to receive from the hands of the leaders of the respective paties their share of the spoils, and to shout for one or the other, as those collected in Gaul or Egypt and the lesser Asia would furnish the larger dividend. The spirit of liberty had fled, and avoiding the abodes of civilized man had sought protection in the wilds of Scythia Scandinavia. And so under the operation of the same causes and influences it will fly from our Capital and our forums. A calamity so awful, not only to our country, but to the world, must be deprecated by every patriot, and every tendency to a state of things likely to produce it immediately checked. Such a tendency has existed—does exist. Always the friend of my countrymen, never their flatterer, it becomes my duty to say to them, from this high place to which their partiality has exalted me, that there exists in the land a spirit hostile to their best interests—hostile to liberty itself. It is a spirit contracted in its views—selfish in its objects. It looks to the aggrandizement of a few even to the destruction of the interest of the whole.

The entire remedy is with the people. Something, however, may be effected, by the means which they have placed in my hands. It is union that we want, not of a party for the sake of that party, but a union of the whole country, for the sake of the whole country. For the defence of its interests and its honor against foreign aggression—for the defence of those principles for which our ancestors so gloriously contended. As far as it depends upon me, it shall be accomplished. All the influence that I possess shall be exerted to prevent the formation at least of an Executive party in the halls of the legislative body. I wish for the support of no member of that body to any measure of mine that does not satisfy his judgment and his sense of duty to those from whom he holds his appointment. Nor any confidence in advance from the people but that asked for by Mr. Jefferson, "to give firmness and effect to the legal administration of their affairs."

I deem the present occasion sufficiently important and solemn to justify me in expressing to my fellow-citizens a profound reverence for the Christian religion and a

thorough conviction that sound morals, religious liberty, and a just sense of religious responsibility, are essentially connected with all true and lasting happiness. And to that good Being who has blessed us by the gifts of civil and religious freedom—who watched over and prospered the labors of our fathers, and has hitherto preserved to us institutions far exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time. [Oath administered.]

Fellow-citizens: Being fully invested with that high office to which the partiality of my countrymen has called me, I now take an affectionate leave of you. You will bear with you to your homes the remembrance of the pledge I have this day given, to discharge all the high duties of my exalted station according to the best of my ability; and I shall enter upon their performance with entire confidence in the support of a just and generous people.

TYLER'S ADDRESS.

April 9, 1841.

Fellow-Citizens:

Before my arrival at the seat of Government, the painful communication was made to you by the officers presiding over the several Departments, of the deeply regretted death of William Henry Harrison, late President of the United States. Upon him you had conferred your suffrages for the first office in your gift, and had selected him as your chosen instrument to correct and reform all such errors and abuses as had manifested themselves from time to time in the practical operation of the Government. While standing at the threshold of this great work, he has, by the dispensation of an all-wise Providence, been removed from amongst us, and by the provisions of the Constitution the efforts to be directed to the

accomplishing of this vitally important task have devolved upon myself. This same occurrence has subjected the wisdom and sufficiency of our institutions to a new test. For the first time in our history the person elected to the Vice Presidency of the United States, by the happening of a contingency provided for in the Constitution, has had devolved upon him the Presidential office. The spirit of faction, which is directly opposed to the spirit of a lofty patriotism, may find in this occasion for assaults upon my administration. And in succeeding, under circumstances so sudden and unexpected, and to responsibilities so greatly augmented, to the administration of public affairs, I shall place in the intelligence and patriotism of the people my only sure reliance. My earnest prayer shall be constantly addressed to the all-wise and all-powerful Being, who made me, and by whose dispensation I am called to the high office of President of this confederacy, understandingly to carry out the principles of that Constitution which I have sworn 'to protect, preserve, and defend.'

The usual opportunity which is afforded to a Chief Magistrate upon his induction to office of presenting to his countrymen an exposition of the policy which would guide his administration, in the form of an inaugural address, not having, under the peculiar circumstances which have brought me to the discharge of the high duties of President of the United States, been afforded to me, a brief exposition of the principles which will govern me in the general course of my administration of public affairs would seem to be due as well to myself as to you. In regard to foreign nations, the groundwork of my policy will be justice on our part to all, submitting to injustice from none. While I shall sedulously cultivate the relations of peace and amity with one and all, it shall be my most imperative duty to see that the honor of the country shall sustain no blemish. With a view to this, the condition of our military defences will become a matter of anxious solicitude. The Army, which has in other days covered itself with renown, and the Navy not inappropriately termed the right arm of the public defence, which has spread a light of glory over the American standard in all the waters of the earth, should be rendered replete with efficiency.

In view of the fact, well avouched by history, that the tendency of all human institutions is to concentrate power in the hands of a single man, and that their ultimate downfal has proceeded from this cause, I deem it of the most essential importance that a complete separation should take place between the sword and the purse. No matter where or how the public moneys shall be deposited, so long as the President can exert the power of appointing and removing, at his pleasure, the agents selected for their custody, the Commander-in-chief of the Army and Navy is in fact the Treasurer. A permanent and radical change should therefore be decreed. The patronage incident to the presidential office, already great, is constantly increasing. Such increase is destined to keep pace with the growth of our population, until without a figure of speech, an army of office-holders may be spread over the land. The unrestrained power exerted by a selfishly ambitious man, in order either to perpetuate his authority, or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both state and federal, thereby subjecting the course of state legislation to the dictation of the Chief Executive Officer, and making the will of that officer absolute and supreme. I will, at a proper time, invoke the action of Congress upon this subject, and shall readily acquiesce in the adoption of all proper measures which are calculated to arrest these evils, so full of danger in their tendency. I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in such cases where such officer has been guilty of an active partizanship, or by secret means—the less manly, and therefore the more objectionable—has given his official influence to the purposes of party, thereby bringing the patronage of the government in conflict with the freedom of election. Numerous removals may become necessary under this rule

These will be made by me through no acerbity of feeling I have had no cause to cherish or indulge unkind feelings towards any, but my conduct will be regulated by a profound sense of what is due to the country and its institutions ; nor shall I neglect to apply the same unbending rule to those of my own appointment. Freedom of opinion will be tolerated, the full enjoyment of the right of suffrage will be maintained as the birthright of every American citizen, but I say emphatically to the official corps, 'thus far and no farther.' I have dwelt longer upon this subject, because removals from office are likely often to arise, and I would have my countrymen to understand the principle of the Executive action.

In all public expenditures the most rigid economy should be resorted to, and, as one of its results, a public debt in time of peace be sedulously avoided. A wise and patriotic constituency will never object to the imposition of necessary burdens for useful ends; and true wisdom dictates the resort to such means, in order to supply deficiencies in the revenue, rather than to those doubtful expedients, which, ultimating in a public debt, serve to embarrass the resources of the country and to lessen its ability to meet any great emergency which may arise. All sinecures should be abolished. The appropriations should be direct and explicit, so as to leave as limited a share of discretion to the disbursing agents as may be found compatible with the public service. A strict responsibility on the part of all the agents of the Government should be maintained, and peculation or defalcation visited with immediate expulsion from office and the most condign punishment.

The public interest also demands that, if any war has existed between the Government and the currency, it shall cease. Measures of a financial character, now having the sanction of legal enactment, shall be faithfully enforced until repealed by the legislative authority. But I owe it to myself to declare that I regard existing enactments as unwise and impolitic, and in a high degree oppressive. I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its ob-

ject the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaption of any such measure to the end proposed as well as its conformity to the Constitution, I shall resort to the Fathers of the great Republican school for advice and instruction, to be drawn from their sage views of our system of Government, and the light of their ever glorious example.

The institutions under which we live, my countrymen, secure each person in the perfect enjoyment of all his rights. The spectacle is exhibited to the world of a Government deriving its powers from the consent of the governed, and having imparted to it only so much power as is necessary for its successful operation. Those who are charged with its administration should carefully abstain from all attempts to enlarge the range of powers thus granted to the several departments of the Government, other than by an appeal to the People for additional grants, lest by so doing they disturb that balance which the patriots and statesmen who framed the Constitution designed to establish between the Federal Government and the States composing the Union. The observance of these rules is enjoined upon us by that feeling of reverence and affection which finds a place in the heart of every patriot for the preservation of union and the blessings of union—for the good of our children and our children's children, through countless generations. An opposite course could not fail to generate factions, intent upon the gratification of their selfish ends; to give birth to local and sectional jealousies, and to ultimate either in breaking asunder the bonds of union, or in building up a central system, which would inevitably end in a bloody sceptre and an iron crown.

In conclusion, I beg you to be assured that I shall exert myself to carry the foregoing principles into practice during my administration of the Government, and, confiding in the protecting care of an ever-watchful and overruling Providence, it shall be my first and highest duty to preserve

unimpaired the free institutions under which we live, and transmit them to those who shall succeed me in their full force and vigor.

TYLER'S FIRST MESSAGE,

JUNE 1, 1841.

To the Senate, and
House of Representatives of the United States:

Fellow-Citizens:—You have been assembled, in your respective halls of legislation, under a proclamation bearing the signature of the illustrious citizen who was so lately called by the direct suffrages of the people to the discharge of the important functions of their chief executive office. Upon the expiration of a single month from the day of his installation, he has paid the great debt of nature, leaving behind him a name associated with the recollection of numerous benefits conferred upon the country during a long life of patriotic devotion. With this public bereavement are connected other considerations which will not escape the attention of Congress. The preparations necessary for his removal to the seat of Government in view of a residence of four years, must have devolved upon the late President heavy expenditures, which, if permitted to burden the limited resources of his private fortune, may tend seriously to the embarrassment of his surviving family; and it is therefore respectfully submitted to Congress whether the ordinary principles of justice would not dictate the propriety of its legislative interposition. By the provisions of the fundamental law, the powers and duties of the high station to which he was elected have devolved upon me, and in the disposition of the representatives of the States and of the people will be found to a great extent a solution of the problem to which our institutions are for the first time subjected.

In entering upon the duties of this office, I did not feel that it would be becoming in me to disturb what had been ordered by my lamented predecessor. Whatever, therefore, may have been my opinion, originally, as to the propriety of convening Congress at so early a day from that of its late adjournment, I found a new and controlling inducement not to interfere with the patriotic desires of the late President, in the novelty of the situation in which I was so unexpectedly placed. My first wish, under such circumstances, would necessarily have been to have called to my aid, in the administration of public affairs, the combined wisdom of the two Houses of Congress, in order to take their counsel and advice as to the best mode of extricating the Government and the country from the embarrassments weighing heavily on both. I am then most happy in finding myself, so soon after my accession to the Presidency, surrounded by the immediate representatives of the states and people.

No important changes having taken place in our foreign relations since the last session of Congress, it is not deemed necessary on this occasion to go into a detailed statement in regard to them. I am happy to say that I see nothing to destroy the hope of being able to preserve peace.

The ratification of the treaty with Portugal has been duly exchanged between the two Governments. This Government has not been inattentive to the interests of those of our citizens who have claims on the Government of Spain founded on express treaty stipulations; and a hope is indulged that the representations which have been made to that Government on this subject may lead ere long to beneficial results.

A correspondence has taken place between the Secretary of State and the Minister of Her Britannic Majesty accredited to this Government, on the subject of Alexander McLeod's indictment and imprisonment, copies of which are herewith communicated to Congress.

In addition to what appears from these papers, it may be proper to state that Alexander McLeod has been heard by the Supreme Court of the State of New York on his motion to be discharged from imprisonment, and that the decision of that court has not as yet been pronounced.

The Secretary of State has addressed to me a paper upon two subjects, interesting to the commerce of the country, which will receive my consideration, and which I have the honor to communicate to Congress.

So far as it depends on the course of this Government, our relations of good will and friendship will be sedulously cultivated with all nations. The true American policy will be found to consist in the exercise of a spirit of justice to be manifested in the discharge of all our international obligations, to the weakest of the family of nations, as well as to the most powerful. Occasional conflicts of opinion may arise, but when the discussions incident to them are conducted in the language of truth, and with a strict regard to justice, the scourge of war will for the most part be avoided. The time ought to be regarded as having gone by when a resort to arms is to be esteemed as the only proper arbiter of national differences.

The census recently taken shows a regularly progressive increase in our population. On the breaking out of the war of the revolution, our numbers scarcely equalled three millions of souls; they already exceed seventeen millions, and will continue to progress in a ratio which duplicates in a period of about twenty-three years. The old States contain a territory sufficient in itself to maintain a population of additional millions, and the most populous of the new States may even yet be regarded as but partially settled, while of the new lands on this side of the Rocky mountains, to say nothing of the immense region which stretches from the base of those mountains to the mouth of the Columbia river, about 270,000,000 of acres, ceded and unceded, still remain to be brought into market. We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly growing family, and, for the blessings which we offer them, we require them to look upon our country, as their country, and to unite with us in the great task of preserving our institutions, and thereby perpetuating our liberties. No motive exists for foreign conquests. We desire but to reclaim our almost illimitable wilderness, and thereby to introduce into their depths the light of civilization. While we shall at all times be prepared to vindicate the

national honor, our most earnest desire will be to maintain an unbroken peace.

In presenting the foregoing views, I cannot withhold the expression of the opinion that there exists nothing in the extension of our empire over our acknowledged possessions to excite the alarm of the patriot for the safety of our institutions. The federative system, leaving to each state the care of its domestic concerns, and devolving on the federal government those of general import, admits in safety of the greatest expansion, but at the same time I deem it proper to add that there will be found to exist at all times an imperious necessity for restraining all the functionaries of this Government within the range of their respective powers, thereby preserving a just balance between the powers granted to this Government and those reserved to the States and to the people.

From the report of the Secretary of the Treasury, you will perceive that the fiscal means present and accruing, are insufficient to supply the wants of the Government for the current year. The balance in the Treasury on the 4th day of March last, not covered by outstanding drafts, and exclusive of trust funds, is estimated at $860,000. This includes the sum of $215,000 deposited in the mint and its branches to procure metal for coining and in process of coinage, and which could not be withdrawn without inconvenience; thus leaving subject to draft in the various depositories, the sum of $645,000. By virtue of two several acts of Congress, the Secretary of the Treasury was authorized to issue, on and after the 4th of March last, Treasury Notes to the amount of $5,413,000, making an aggregate available fund of $6,058,000 on hand.

But this fund was chargeable with outstanding Treasury Notes redeemable in the current year and interest thereon to the estimated amount of five millions two hundred and eighty thousand dollars. There is also thrown upon the Treasury the payment of a large amount of demands accrued in whole or in part in former years, which will exhaust the available means of the Treasury, and leave the accruing revenue reduced as it is in amount, burdened with debt, and charged with the current expenses of the Government. The aggregate amount of

outstanding appropriations on the 4th of March last was $33,429,616 50, of which $24,210,300 will be required during the current year, and there will also be required for the use of the War Department additional appropriations to the amount of two millions five hundred and eleven thousand one hundred and thirty two dollars and ninety eight cents, the especial objects of which will be seen by reference to the report of the Secretary of War

The anticipated means of the Treasury are greatly inadequate to this demand. The receipts for customs for the last three quarters of the last year, amounted to $12,100,000; the receipts for lands for the same time to $2,742,450; showing an average revenue from both sources of $1,236,780 per month. A gradual expansion of trade growing out of a restoration of confidence, together with a reduction in the expenses of collecting, and punctuality on the part of collecting officers, may cause an addition to the monthly receipt from the customs. They are estimated for the residue of the year, from the fourth of March, $12,000,000; the receipts from the public land for the same time are estimated at $2,600,000; and from miscellaneous sources at $170,000; making an aggregate of available fund within the year of $14,670,000; which will leave a probable deficit of $11,406,132 98. To meet this, some temporary provision is necessary, until the amount can be absorbed by the excess of revenues, which are anticipated to accrue at no distant day.

There will fall due within the next three months, Treasury Notes of the issues of 1840, including interest, about $2,850,000. There is chargeable in the same period for arrearages for taking the sixth census $294,000; and the estimated expenditures for the current service are about $3,100,000, making the aggregate demands upon the Treasury, prior to the first of September next, about $11,340,000. The ways and means in the Treasury, and estimated to accrue within the above named period, consist of about $694,000 of funds available on the 28th ultimo; an unissued balance of Treasury Notes authorized by the act of 1841, amounting to $1,955,000, and estimated receipts from all sources of $3,800,000, making an aggregate of about $6,450,000, and leaving a probable deficit on the 1st of September next of $4,845,000.

In order to supply the wants of the Government, an intelligent constituency, in view of the best interests, will, without hesitation, submit to all necessary burdens. But it is nevertheless important so to impose them as to avoid defeating the just expectations of the country, growing out of pre-existing laws. The act of 2d March, 1833, commonly called the Compromise Act, should not be altered except under urgent circumstances, which are not believed at this time to exist. One year only remains to complete the series of reductions provided for by that law, at which time provisions made by the same law, and which will then be brought actively in aid of the manufacturing interests of the Union, will not fail to produce the most beneficial results. Under a system of discriminating duties imposed for purposes of revenue, in unison with the provisions of existing laws, it is to be hoped that our policy will, in the future, be fixed and permanent, so as to avoid those constant fluctuations which defeat the very object they have in view. We shall thus best maintain a position which, while it will enable us the more readily to meet the advances of other countries calculated to promote our trade and commerce, and will at the same time leave in our own hands the means of retaliating with greater effect unjust regulations.

In intimate connexion with the question of revenue is that which makes provision for a suitable fiscal agent capable of adding increased facilities in the collection and disbursement of the public revenues, rendering more secure their custody, and consulting a true economy in the great multiplied and delicate operations of the Treasury Department. Upon such an agent, depends, in an eminent degree, the establishment of a currency uniform in value, which is of so great importance to all the essential interests of society ; and on the wisdom to be manifested in its creation much depends.

So intimately interwoven are its operations, not only with the interests of individuals, but with those of the States, that it may be regarded in a great degree as controlling both. If paper be used as the chief medium of circulation, and the power be vested in the Government of using it at pleasure, either in the form of Treasury

drafts or any other, or if banks be used as the public depositories, with liberty to regard all surplusses, from day to day as so much added to their active capital, prices are exposed to constant fluctuations, and industry to severe suffering. In the one case, political considerations, directed to party purposes, may control, while excessive cupidity may prevail in the other. The public is thus constantly liable to imposition. Expansions and contractions may follow each other in rapid succession, the one engendering a reckless spirit of adventure and speculation, which embraces States as well as individuals; the other causing a fall in prices, and accomplishing an entire change in the aspect of affairs. Stocks of all kinds rapidly decline—individuals are ruined, and States embarrassed even in their efforts to meet with punctuality the interest on their debts. Such, unhappily, is the state of things now existing in the United States. These effects may readily be traced to the causes above referred to. The public revenues, on being removed from the Bank of the United States, under an order of the late President, were placed in selected Banks, which actuated by the double motive of conciliating the Government and augmenting their profits to the greatest possible extent, enlarged extravagantly their discounts, thus enabling all other existing banks to do the same.

Large dividends were declared, which, stimulating the cupidity of capitalists, caused a rush to be made to the legislatures of the respective States for similar acts of incorporation, which, by many of the States, under a temporary infatuation, were readily granted, and thus the augmentation of the circulating medium, consisting almost exclusively of paper, produced a most fatal delusion. An illustration, derived from the land sales of the period alluded to, will serve best to show the effect of the whole system. The average sales of the public lands, for a period of ten years prior to 1834, had not much exceeded $2,000,000 per annum. In 1834 they attained in round numbers, to the amount of $6,000,000. In the succeeding year, of 1835, they reached $16,000,000. And the next year, of 1836, they amounted to the enormous sum of $25,000,000. Thus crowded into the short space of three

years upwards of twenty-three years' purchase of the public domain. So apparent had become the necessity of arresting this course of things, that the Executive department assumed the highly questionable power of discriminating in the funds to be used in payment by different classes of public debtors—a discrimination which was doubtless designed to correct this most ruinous state of things by the exaction of specie in all payments for the public lands, but which could not at once arrest the tide which had so strongly set in. Hence the demands for specie became unceasing, and corresponding prostration rapidly ensued under the necessities created with the banks to curtail their discounts, and thereby to reduce their circulation. I recur to these things with no disposition to censure pre-existing administrations of the Government, but simply in exemplification of the truth of the position which I have assumed. If, then, any fiscal agent which may be created, shall be placed, without due restrictions, either in the hands of the administrators of the Government, or those of private individuals, the temptation to abuse will prove resistless.

Objects of political aggrandizement may seduce the first, and the promptings of a boundless cupidity will assail the last. Aided by the experience of the past, it will be the pleasure of Congress so to guard and fortify the public interests in the creation of any new agent, so as to place them, so far as human wisdom can accomplish it, on a footing of perfect security. Within a few years past, three different schemes have been before the country. The charter of the Bank of the United States expired by its own limitation in 1836. An effort was made to renew it, which received the sanction of the two houses of Congress, but then the President of the United States exercised the *veto* power, and the measure was defeated. A regard to truth requires me to say that the President was fully sustained in the course he had taken, by the popular voice. His successor to the Chair of State unqualifiedly pronounced his opposition to any new charter of a similar institution; and not only the popular election which brought him into power, but the elections through much of his term, seemed clearly to indicate a concur-

rence with him in sentiment, on the part of the people. After the public moneys were withdrawn from the United States Bank, they were placed in deposit with the State Banks, and the result of that policy has been before the country. To say nothing as to the question whether that experiment was made under propitious or adverse circumstances, it may safely be asserted that it did receive the unqualified condemnation of most of its early advocates, and it is believed was also condemned by the popular sentiment. The existing Sub-Treasury system does not seem to stand in higher favor with the people, but has recently been condemned in a manner too plainly indicated to admit of a doubt. Thus, in the short period of eight years, the popular voice may be regarded as having successfully condemned each of the three schemes of finance to which I have adverted.

As to the first, it was introduced at a time (1816) when the State banks then comparatively few in number, had been forced to suspend specie payments, by reason of the war which had previously prevailed with Great Britain. Whether, if the United States Bank charter which expired in 1811 had been renewed in due season, it would have been enabled to continue specie payments during the war and the disastrous period to the commerce of the country which immediately succeeded, is, to say the least, problematical;—and whether the United States Bank of 1816 produced a restoration of specie payments, or the same was accomplished through the instrumentality of other means, was a matter of some difficulty at that time to determine. Certain it is, that for the first years of the operation of that bank, its course was as disastrous as for the greater part of its subsequent career it became eminently successful.

As to the second, the experiment was tried with a redundant Treasury, which continued to increase until it seemed to be the part of wisdom to distribute the surplus revenue among the States, which, operating at the same time with the specie circular, and the causes before adverted to, caused them to suspend specie payments, and involved the country in the greatest embarrassment. And, as to the third, if carried through all the stages of trans-

formation, from paper and specie to nothing but the precious metals, to say nothing of the insecurity of the public moneys, its injurious effects have been anticipated by the country in its unqualified condemnation.

What is now to be regarded as the judgment of the American people on this whole subject, I have no accurate means of determining, but by appealing to their more immediate representatives. The late contest which terminated in the election of General Harrison to the Presidency, was decided on principles well known and openly declared—and while the Sub-Treasury received in the result the most decided condemnation, no other scheme of finance seemed to have been concurred in. To you, then, who have come more immediately from the body of our common constituents, I submit the entire question, as best qualified to give a full exposition of their wishes and opinions. I am ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may in my view of it conflict with the Constitution, or otherwise jeopard the prosperity of the country—a power which I could not part with even if I would, but which I will not believe any act of yours will call into requisition.

I cannot avoid recurring, in connexion with this subject, to the necessity which exists for adopting some suitable measure whereby the unlimited creation of banks by the States may be corrected in future. Such result can be most readily achieved by the consent of the States, to be expressed in the form of a compact among themselves, which they can only enter into with the consent and approbation of this Government; a consent which might, in the present emergency of the public demands, justifiably be given in advance of any action by the States, as an inducement to such action upon terms well defined by the act of the tender. Such a measure addressing itself to the calm reflection of the States, would find in the experience of the past, and the condition of the present, much to sustain it. And it is greatly to be doubted whether any scheme of finance can prove for any length of time successful, while the States shall continue in the unrestrained exercise of the power of creating banking corpo

rations. This power can only be limited by their consent.

With the adoption of a financial agency of a satisfactory character, the hope may be indulged that the country will once more return to a state of prosperity. Measures auxiliary thereto, and in some measure inseparably connected with its success, will doubtless claim the attention of Congress. Among such, a distribution of the proceeds of the sales of the public lands, provided such distribution does not force upon Congress the necessity of imposing upon commerce heavier burthens than those contemplated by the act of 1833, would act as an efficient remedial measure by being brought directly in aid of the States. As one sincerely devoted to the task of preserving a just balance in our system of Government, by the maintenance of the States in a condition the most free and respectable, and in the full possession of all their power, I can no otherwise than feel desirous for their emancipation from the situation to which the pressure of their finances now subjects them.

And, while I must repudiate as a measure founded in error, and wanting constitutional sanction, the slightest approach to an assumption by this Government of the debts of the States, yet I can see in the distribution adverted to, much to recommend it. The compacts between the proprietor States and this Government, expressly guaranty to the States all the benefits which may arise from the sales. The mode by which this is to be effected addresses itself to the discretion of Congress, as the trustee for the States; and its exercise, after the most beneficial manner, is restrained by nothing in the grants or in the Constitution, so long as Congress shall consult that equality in the distribution which the compacts require.

In the present condition of some of the States, the question of distribution may be regarded as substantially a question between direct and indirect taxation. If the distribution be not made in some form or other, the necessity will daily become more urgent with the debtor States for a resort to an oppressive system of direct taxation, or their credit, and necessarily their power and influence, will be greatly diminished. The payment of taxes, after

the most inconvenient and oppressive mode, will be exacted in place of contributions for the most part voluntarily made, and therefore comparatively unoppressive The States are emphatically the constituents of this Government; and we should be entirely regardless of the objects held in view by them in the creation of this Government, if we could be indifferent to their good. The happy effects of such a measure upon all the States would immediately be manifested. With the debtor States it would effect the relief to a great extent of the citizens from a heavy burden of direct taxation, which presses with severity on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the State securities, and the attitude of the States would become once more, as it should ever be, lofty and erect.—With States laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree.

So far as this government is concerned, appropriations to domestic objects, approaching in amount the revenue derived from the land sales, might be abandoned, and thus a system of unequal and therefore unjust legislation would be substituted by one dispensing equality to all the members of this confederacy. Whether such distribution should be made directly to the States in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having these proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration. Nor would such disposition of the proceeds of the public sales in any manner prevent Congress from time to time from passing all necessary pre-emption laws for the benefit of actual settlers, or from making any new arrangement as to the price of the public lands which might in future be esteemed desirable.

I beg leave particularly to call your attention to the accompanying report from the Secretary of War. Besides the present state of the war which has long afflicted the Territory of Florida, and the various other matters of

interest therein referred to, you will learn from it that the Secretary has instituted an inquiry into abuses which promises to develope gross enormities in connection with Indian treaties which have been negotiated, as well as the expenditures for the removal and subsistence of the Indians. He represents, also, other irregularities of a serious nature that have grown up in the practice of the Indian department, which will require the appropriation of upwards of $200,000 to correct, and which claim the immediate attention of Congress.

In reflecting on the proper means of defending the country, we cannot shut our eyes to the consequences which the introduction and use of the power of steam upon the ocean are likely to produce in wars between maritime States. We cannot yet see the extent to which this power may be applied in belligerent operations, connecting itself as it does with recent improvements in the science of gunnery and projectiles; but we need have no fear of being left, in regard to these things, behind the most active and skilful of other nations, if the genius and enterprise of our fellow-citizens receive proper encouragement and direction from Government.

True wisdom would, nevertheless, seem to dictate the necessity of placing in perfect condition those fortifications which are designed for the protection of our principal cities and railroads. For the defence of our extended maritime coast, our chief reliance should be placed on our Navy, aided by those inventions which are destined to recommend themselves to public adoption. But no time should be lost in placing our principal cities on the seaboard and the lakes in a state of entire security from foreign assault. Separated as we are from the countries of the old world, and in much unaffected by their policy, we are happily relieved from the necessity of maintaining large standing armies in times of peace. The policy which was adopted by Mr. Monroe, shortly after the conclusion of the late war with Great Britain, of preserving a regular organized staff sufficient for the command of a large military force, should a necessity for one arise, is founded as well in economy as in true wisdom. Provision is thus made, upon filling up the rank and file, which can readily

be done on any emergency, for the introduction of a system of discipline both promptly and efficiently. All that is required in time of peace is to maintain a sufficient number of men to guard our fortifications, to meet any sudden contingency, and to encounter the first shock of war. Our chief reliance must be placed on the militia. They constitute the great body of national guards, and, inspired by an ardent love of country, will be found ready at all times, and at all seasons, to repair with alacrity to its defence. It will be regarded by Congress, I doubt not, at a suitable time, as one of its highest duties to attend to their complete organization and discipline.

The state of the Navy Pension Fund requires the immediate attention of Congress. By the operation of the act of the 3d of March, 1837, entitled "An act for the more equitable administration of the Navy Pension Fund," that fund has been exhausted. It will be seen from the accompanying report of the Commissioner of pensions that there will be required for the payment of Navy pensioners, on the first of July next, $84,006 06⅓, and on the first of January, 1842, the sum of $60,000. In addition to these sums, about $6,000 will be required to pay arrears of pensions, which will probably be allowed between the first of July and the first of January, 1842, making in the whole, $150,006 06⅓. To meet these payments there is within the control of the department the sum of $28,040, leaving a deficit of $121,966 06⅓. The public faith requires that immediate provision should be made for the payment of these sums.

In order to introduce into the Navy a desirable efficiency, a new system of accountability may be found to be indispensably necessary. To mature a plan having for its object the accomplishment of an end so important, and to meet the just expectations of the country, require more time than has yet been allowed to the Secretary at the head of the department. The hope is indulged that by the time of your next regular session measures of importance, in connexion with this branch of the public service, may be matured for your consideration.

Athough the laws regulating the Post-Office department only require from the officer charged wth its direction

to report at the usual annual session of Congress, the Post Master General has presented to me some facts connected with the financial condition of the Department which are deemed worthy the attention of Congress.

By the accompanying report of that officer, it appears that the existing liabilities of that Department beyond the means of payment at its command cannot be less than five hundred thousand dollars. As the laws organizing that branch of the public service confine the expenditure to its own revenues, deficiencies therein cannot be presented under the usual estimates for the expenses of Government. It must therefore be left to Congress to determine whether the moneys now due to contractors shall be paid from the public Treasury, or whether that Department shall continue under its present embarrassments. It will be seen by the report of the Post Master General, that the recent lettings of contracts in several of the States, have been made at such reduced rates of compensation as to encourage the belief that, if the department was relieved from existing difficulties its future operations might be conducted without any further call upon the general Treasury.

The power of appointing to office is one of a character the most delicate and responsible. The appointing power is evermore exposed to be led into error. With anxious solicitude to select the most trustworthy for official stations, I cannot be supposed to possess a personal knowledge of the qualifications of every applicant. I deem it therefore proper, in this most public manner, to invite, on the part of the Senate, a just scrutiny into the character and pretensions of every person whom I may bring to their notice in the regular form of a nomination for office. Unless persons every way trustworthy are employed in the public service, corruption and irregularity will inevitably follow. I shall with the greatest cheerfulness, acquiesce in the decision of that body, and, it is wisely constituted to the Executive department in the performance of this delicate duty, I shall look to its 'consent and advice,' as given only in furtherance of the best interests of the country.

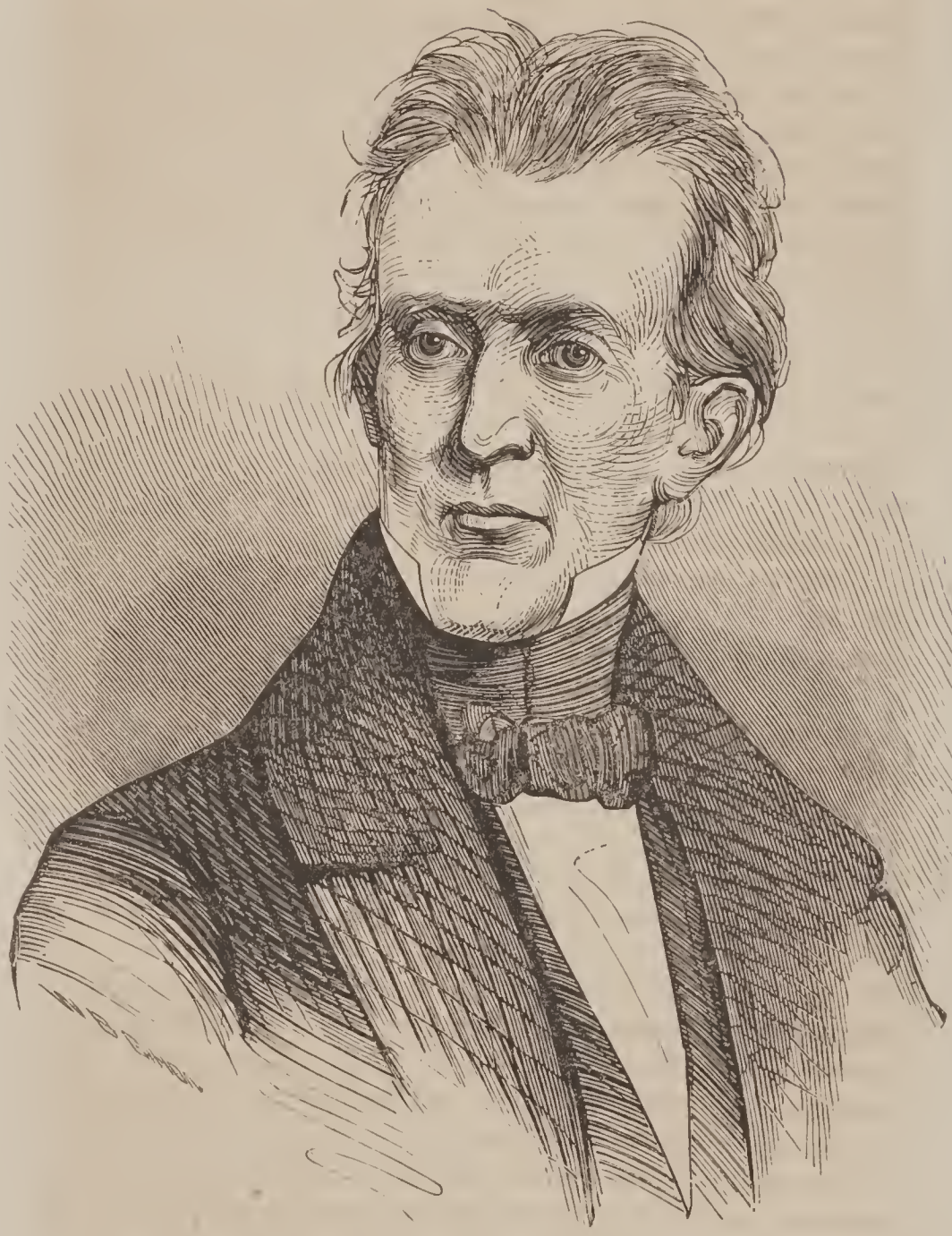
I shall, also, at the earliest proper occasion, invite the attention of Congress to such measures as in my judgment will be best calculated to regulate and control the Executive power in reference to this vitally important subject.

I shall also, at the proper season, invite your personal attention to the statutory enactments for the suppression of the slave trade, which may require to be rendered more efficient in their provisions. There is reason to believe that the traffic is on the increase. Whether such increase is to be ascribed to the abolition of slave labor in the British possessions in our vicinity, and an attendant diminution in the supply of those articles which enter into the general consumption of the world, thereby augmenting the demand from other quarters, and thus calling for additional labor, it were needless to inquire. The highest considerations of public honor as well as the strongest promptings of humanity, require a resort to the most vigorous efforts to suppress the trade.

In conclusion, I beg to invite your particular attention to the interests of this District. Nor do I doubt that, in a liberal spirit of legislation, you will seek to advance its commercial as well as its local interests. Should Congress deem it to be its duty to repeal the existing Sub-Treasury law, the necessity of providing a suitable place of deposit for the public moneys which may be required within the District must be apparent to all.

I have felt it to be due to the country to present the foregoing topics to your consideration and reflection. Others, with which it might not seem proper to trouble you at an extraordinary session, will be laid before you at a future day. I am happy in committing the important affairs of the country into your hands. The tendency of public sentiment, I am pleased to believe, is towards the adoption, in a spirit of union and harmony, of such measures as will fortify the public interests.

To cherish such a tendency of public opinion is the task of an elevated patriotism. That differences of opinion as to the means of accomplishing these desirable objects should exist, is reasonably to be expected. Nor can all be made satisfied with any system of measures But I flatter myself with the hope that the great body of



James K. Polk

the people will readily unite in suppport of those whose efforts spring from a disinterested desire to promote their happiness; to preserve the Federal and State Governments within their respective orbits; to cultivate peace with all the nations of the earth, on just and honorable grounds; to exact obedience to the laws; to entrench liberty and property in full security, and, consulting the most rigid economy, to abolish all useless expenses.

POLK'S INAUGURAL ADDRESS.

March 4, 1845.

Fellow citizens: Without solicitation on my part, I have been chosen by the free and voluntary suffrages of my countrymen to the most honorable and most responsible office on earth. I am deeply impressed with gratitude for the confidence reposed in me. Honored with this distinguished consideration at an earlier period of life than any of my predecessors, I cannot disguise the diffidence with which I am about to enter on the discharge of my official duties.

If the more aged and experienced men who have filled the office of President of the United States, even in the infancy of the republic, distrusted their ability to discharge the duties of that exalted station, what ought not to be the apprehensions of one so much younger and less endowed, now that our domain extends from ocean to ocean, that our people have so greatly increased in numbers, and at a time when so great diversity of opinion prevails in regard to the principles and policy which should characterize the administration of our government? Well may the boldest fear, and the wisest tremble, when incurring responsibilities on which may depend our country's peace and prosperity, and, in some degree, the hopes and happiness of the whole human family.

In assuming responsibilities so vast, I fervently invoke the aid of that Almighty Ruler of the universe, in whose

hands are the destinies of nations and of men, to guard this heaven-favored land against the mischiefs which, without his guidance, might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of this assembled multitude of my countrymen, to take upon myself the solemn obligation, "to the best of my ability, to preserve, protect, and defend the constitution of the United States."

A concise enumeration of the principles which will guide me in the administrative policy of the government, is not only in accordance with the examples set me by all my predecessors, but is eminently befitting the occasion.

The constitution itself, plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding together in the bonds of peace and union this great and increasing family of free and independent States, will be the chart by which I shall be directed.

It will be my first care to administer the government in the true spirit of that instrument, and to assume no powers not expressly granted, or clearly implied in its terms. The government of the United States is one of delegated and limited powers; and it is by a strict adherence to the clearly granted powers, and by abstaining from the exercise of doubtful or unauthorized implied powers, that we have the only sure guaranty against the recurrence of those unfortunate collisions between the Federal and State authorities, which have occasionally so much disturbed the harmony of our system, and even threatened the perpetuity of our glorious Union.

"To the States respectively, or to the people," have been reserved "the powers not delegated to the United States by the constitution, nor prohibited by it to the States." Each State is a complete sovereignty within the sphere of its reserved powers. The government of the Union, acting within the sphere of its delegated authority, is also a complete sovereignty. While the general government should abstain from the exercise of authority not clearly delegated to it, the States should be

equally careful that, in the maintenance of their rights, they do not overstep the limits of powers reserved to them. One of the most distinguished of my predecessors attached deserved importance to "the support of the State governments in all their rights, as the most competent administration for our domestic concerns, and the surest bulwark against anti-republican tendencies;" and to the "preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home, and safety abroad."

To the government of the United States has been intrusted the exclusive management of our foreign affairs. Beyond that, it wields a few general enumerated powers. It does not force reform on the States. It leaves individuals, over whom it casts its protecting influence, entirely free to improve their own condition by the legitimate exercise of all their mental and physical powers. It is a common protector of each and all the States; of every man who lives upon our soil, whether of native or foreign birth; of every religious sect, in their worship of the Almighty according to the dictates of their own conscience; of every shade of opinion, and the most free inquiry; of every art, trade, and occupation, consistent with the laws of the States. And we rejoice in the general happiness, prosperity, and advancement of our country, which have been the offspring of freedom, and not of power.

This most admirable and wisest system of well-regulated self government among men, ever devised by human minds, has been tested by its successful operation for more than half a century; and, if preserved from the usurpations of the federal government on the one hand, and the exercise by the States of powers not reserved to them on the other, will, I fervently hope and believe, endure for ages to come, and dispense the blessings of civil and religious liberty to distant generations. To effect objects so dear to every patriot, I shall devote myself with anxious solicitude. It will be my desire to guard against that most fruitful source of danger to the harmonious action of our system, which consists in substituting the mere discretion and caprice of the executive,

or of majorities in the legislative department of the government, for powers which have been withheld from the federal government by the constitution. By the theory of our government, majorities rule; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the constitution, and in conformity to it. One great object of the constitution was to restrain majorities from oppressing minorities, or encroaching upon their just rights. Minorities have a right to appeal to the constitution, as a shield against such oppression.

That the blessings of liberty which our constitution secures may be enjoyed alike by minorities and majorities, the executive has been wisely invested with a qualified veto upon the acts of the Legislature. It is a negative power, and is conservative in its character. It arrests for the time, hasty, inconsiderate, or unconstitutional legislation; invites reconsideration, and tranfers questions at issue between the legislative and executive departments to the tribunal of the people. Like all other powers, it is subject to be abused. When judiciously and properly exercised, the constitution itself may be saved from infraction, and the rights of all preserved and protected.

The inestimable value of our federal Union is felt and acknowledged by all. By this system of united and confederated States, our people are permitted, collectively and individually, to seek their own happiness in their own way; and the consequences have been most auspicious. Since the Union was formed, the number of the States has increased from thirteen to twenty-eight: two of these have taken their positions as members of the confederacy within the last week. Our population has increased from three to twenty millions. New communities and States are seeking protection under its ægis, and multitudes from the Old World are flocking to our shores to participate in its blessings. Beneath its benign sway, peace and prosperity prevail. Freed from the burdens and miseries of war, our trade and intercourse have extended throughout the world. Mind, no longer tasked in devising means to accomplish or resist

schemes of ambition, usurpation, or conquest, is devoting itself to man's true interests, in developing his faculties and powers, and the capacity of nature to minister to his enjoyments. Genius is free to announce its inventions and discoveries; and the hand is free to accomplish whatever the head conceives, not incompatible with the rights of a fellow being. All distinctions of birth or of rank have been abolished. All citizens, whether native or adopted, are placed upon terms of precise equality. All are entitled to equal rights and equal protection. No union exists between church and state, and perfect freedom of opinion is guarantied to all sects and creeds.

These are some of the blessings secured to our happy land by our federal Union. To perpetuate them, it is our sacred duty to preserve it. Who shall assign limits to the achievements of free minds and free hands, under the protection of this glorious Union? No treason to mankind, since the organization of society, would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom, which protects himself and his fellow-man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example. If he say that error and wrong are committed in the administration of the government, let him remember that nothing human can be perfect; and that under no other system of government revealed by Heaven, or devised by man, has reason been allowed so free and broad a scope to combat error. Has the sword of despots proved to be a safer or surer instrument of reform in government than enlightened reason? Does he expect to find among the ruins of this Union a happier abode for our swarming millions than they now have under it? Every lover of his country must shudder at the thought of the possibility of its dissolution, and will be ready to adopt the patriotic sentiment, "Our federal Union—it must be preserved." To preserve it, the compromises which alone enabled

our fathers to form a common constitution for the government and protection of so many States, and distinct communities, of such diversified habits, interests, and domestic institutions, must be sacredly and religiously observed. Any attempt to disturb or destroy these compromises, being terms of the compact of Union, can lead to none other than the most ruinous and disastrous consequences.

It is a source of deep regret that, in some sections of our country, misguided persons have occasionally indulged in schemes and agitations, whose object is the destruction of domestic institutions existing in other sections—institutions which existed at the adoption of the constitution, and were recognized and protected by it. All must see that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and the consequent destruction of our happy form of government, must speedily follow.

I am happy to believe that at every period of our existence as a nation, there has existed, and continues to exist, among the great mass of our people, a devotion to the Union of the States, which will shield and protect it against the moral treason of any who would seriously contemplate its destruction. To secure a continuance of that devotion, the compromises of the constitution must not only be preserved, but sectional jealousies and heart-burnings must be discountenanced; and all should remember that they are members of the same political family, having a common destiny. To increase the attachment of our people to the Union, our laws should be just. Any policy which shall tend to favor monopolies, or the peculiar interests of sections or classes, must operate to the prejudice of the interests of their fellow-citizens, and should be avoided. If the compromises of the constitution be preserved,—if sectional jealousies and heart-burnings be discountenanced,—if our laws be just, and the government be practically administered strictly within the limits of power prescribed to it,—we may discard all apprehensions for the safety of the Union.

With these views of the nature, character, and objects

of the government, and the value of the Union, I shall steadily oppose the creation of those institutions and systems which, in their nature, tend to pervert it from its legitimate purposes, and make it the instrument of sections, classes, and individuals. We need no national banks, or other extraneous institutions, planted around the government to control or strengthen it in opposition to the will of its authors. Experience has taught us how unnecessary they are as auxiliaries of the public authorities, how impotent for good, and how powerful for mischief.

Ours was intended to be a plain and frugal government; and I shall regard it to be my duty to recommend to Congress, and, as far as the executive is concerned, to enforce by all the means within my power, the strictest economy in the expenditure of the public money, which may be compatible with the public interest.

A national debt has become almost an institution of European monarchies. It is viewed, in some of them, as an essential prop to existing governments. Melancholy is the condition of that people whose government can be sustained only by a system which periodically transfers large amounts from the labor of the many to the coffers of the few. Such a system is incompatible with the ends for which our republican government was instituted. Under a wise policy, the debts contracted in our revolution, and during the war of 1812, have been happily extinguished. By a judicious application of the revenues, not required for other necessary purposes, it is not doubted that the debt which has grown out of the circumstances of the last few years may be speedily paid off.

I congratulate my fellow-citizens on the entire restoration of the credit of the general government of the Union, and that of many of the States. Happy would it be for the indebted States if they were freed from their liabilities, many of which were incautiously contracted. Although the government of the Union is neither in a legal nor a moral sense bound for the debts of the States, and it would be a violation of our compact of Union to assume them, yet we cannot but feel a deep interest in

seeing all the States meet their public liabilities, and pay off their just debts, at the earliest practicable period. That they will do so, as soon as it can be done without imposing too heavy burdens on their citizens, there is no reason to doubt. The sound, moral, and honorable feeling of the people of the indebted States, cannot be questioned; and we are happy to perceive a settled disposition on their part, as their ability returns, after a season of unexampled pecuniary embarrassment, to pay off all just demands, and to acquiesce in any reasonable measures to accomplish that object.

One of the difficulties which we have had to encounter in the practical administration of the government, consists in the adjustment of our revenue laws, and the levy of the taxes necessary for the support of the government. In the general proposition, that no more money shall be collected than the necessities of an economical administration shall require, all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the government to tax one section of country, or one class of citizens, or one occupation, for the mere profit of another. "Justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country." I have heretofore declared to my fellow-citizens that, in "my judgment, it is the duty of the government to extend, as far as it may be practicable to do so, by its revenue laws, and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce and navigation." I have also declared my opinion to be "in favor of a tariff for revenue," and that "in adjusting the details of such a tariff, I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and at the same time, afford reasonable incidental protection to our home industry," and that I was "opposed to a tariff for protection merely, and not for revenue."

The power "to lay and collect taxes, duties, imposts,

and excises," was an indispensable one to be conferred on the federal government, which, without it, would possess no means of providing for its own support. In executing this power, by levying a tariff of duties for the support of government, the raising of *revenue* should be the *object*, and *protection* the *incident*. To reverse this principle, and make *protection* the *object*, and *revenue* the *incident*, would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue, it is doubtless proper to make such discriminations within the *revenue principle*, as will afford incidental protection to our home interests. Within the revenue limit, there is discretion to discriminate; beyond that limit, the rightful exercise of the power is not conceded. The incidental protection afforded to our home interests by discriminations within the revenue range, it is believed will be ample. In making discriminations, all our home interests should, as far as practicable, be equally protected. The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another, would be unjust. No one of these interests can rightfully claim an advantage over the others, or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the government. In exercising a sound discretion in levying discriminating duties within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few, at the expense of the toiling millions, by taxing *lowest* the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy; and *highest* the necessaries of life, or articles of course quality and low price, which the poor and great mass of our people must consume. The burdens of government should, as far as practicable, be distributed justly and equally among all classes of our population. These general views, long entertained on this subject, I have deemed it proper to

reiterate. It is a subject upon which conflicting interests of sections and occupations are supposed to exist, and a spirit of mutual concession and compromise in adjusting its details should be cherished by every part of our widespread country, as the only means of preserving harmony and a cheerful acquiescence of all in the operation of our revenue laws. Our patriotic citizens in every part of the Union will readily submit to the payment of such taxes as shall be needed for the support of their government, whether in peace or in war, if they are so levied as to distribute the burdens as equally as possible among them.

The Republic of Texas has made known her desire to come into our Union, to form a part of our confederacy, and enjoy with us the blessings of liberty secured and guarantied by our constitution. Texas was once a part of our country—was unwisely ceded away to a foreign power—is now independent and possesses an undoubted right to dispose of a part or the whole of her territory, and to merge her sovereignty, as a seperate and independent State, in ours. I congratulate my country that, by an act of the late Congress of the United States, the assent of this government has been given to the re-union; and it only remains for the two countries to agree upon the terms, to consummate an object so important to both.

I regard the question of annexation as belonging exclusively to the United States and Texas. They are independent powers, competent to contract; and foreign nations have no right to interfere with them, or to take exceptions to their re-union. Foreign powers do not deem to appreciate the true character of our government Our Union is a confederation of independent States, whose policy is peace with each other and all the world. To enlarge its limits is to extend the dominion of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our government. While the chief magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must, in their own persons, bear all the burdens and miseries of war, our government cannot be otherwise than pacific. Foreign powers should, therefore, look on the annexation of Tex-

as to the United States, not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our confederation, with the consent of that member—thereby diminishing the chanches of war, and opening to them new and ever-increasing markets for their products.

To Texas the re-union is important, because the strong protecting arm of our government would be extended over her, and the vast resources of her fertile soil and genial climate would be speedily developed; while the safety of New Orleans, and of our whole southwestern frontier against hostile aggression, as well as the interests of the whole Union, would be promoted by it.

In the earlier stages of our national existence, the opinion prevailed with some, that our system of confederated States could not operate successfully over an extended territory, and serious objections have, at different times, been made to the enlargement of our boundaries. These objections were earnestly urged when we acquired Louisiana. Experience has shown that they were not well founded. The title of numerous Indian tribes to vast tracts of country has been extinquished. New States have been admitted into the Union: new Territories have been created, and our jurisdiction and laws extended over them. As our population has expanded, the Union has been cemented and strengthened; as our boundaries have been enlarged, and our agricultural population has been spread over a large surface, our federative system has acquired additional strength and security. It may well be doubted whether it would not be in greater danger of overthrow if our present population were confined to the comparatively narrow limits of the original thirteen States, than it is, now that they are sparsely settled over a more expanded territory. It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits; and that, as it shall be extended, the bonds of our Union, so far from being weakened, will become stronger.

None can fail to see the danger to our safety and future peace, if Texas remains an independent State, or becomes

an ally or dependency of some foreign nation more powerful than herself. Is there one among our citizens who would not prefer perpetual peace with Texas, to occasional wars, which so often occur between bordering independent nations? Is there one who would not prefer free intercourse with her, to high duties on all our products and manufactures which enter her ports or cross her frontiers? Is there one who would not prefer an unrestricted communication with her citizens, to the frontier obstructions which must occur if she remains out of the Union? Whatever is good or evil in the local institutions of Texas, will remain her own, whether annexed to the United States or not. None of the present States will be responsible for them, any more than they are for the local institutions of each other. They have confederated together for certain specified objects. Upon the same principle that they would refuse to form a perpetual union with Texas, because of her local institutions, our forefathers would have been prevented from forming our present Union. Perceiving no valid objection to the measure, and many reasons for its adoption, vitally affecting the peace, the safety, and the prosperity of both countries, I shall, on the broad principle which formed the basis and produced the adoption of our constitution, and not in any narrow spirit of sectional policy, endeavor, by all constitutional, honorable, and appropriate means, to consummate the expressed will of the people and government of the United States, by the re-annexation of Texas to our Union at the earliest practicable period.

Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky mountains. Our title to the country of the Oregon is "clear and unquestionable;" and already are our people preparing to perfect that title, by occupying it with their wives and children. But eighty years ago, our population was confined on the west by the ridge of the Alleghanies. Within that period—within the lifetime, I might say, of some of my hearers—our people, increasing to many millions, have filled the east-

ern valley of the Mississippi; adventurously ascended the Missouri to its head springs ; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them, adequately, wherever they may be upon our soil. The jurisdiction of our laws, and the benefits of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory cannot be long delayed, within the sphere of our federative Union. In the mean time, every obligation imposed by treaty or conventional stipulations should be sacredly respected.

In the management of our foreign relations, it will be my aim to observe a careful respect for the rights of other nations, while our own will be the subject of constant watchfulness. Equal and exact justice should characterize all our intercourse with foreign countries. All alliances having a tendency to jeopard the welfare and honor of our country, or sacrifice any one of the national interests, will be studiously avoided ; and yet no opportunity will be lost to cultivate a favorable understanding with foreign governments, by which our navigation and commerce may be extended, and the ample products of our fertile soil, as well as the manufactures of our skillful artizans, find a ready market and remunerating prices in foreign countries.

In taking "care that the laws be faithfully executed," a strict performance of duty will be exacted from all public officers. From those officers, especially, who are charged with the collection and disbursement of the public revenue, will prompt and rigid accountability be required. Any culpable failure or delay on their part to account for the moneys intrusted to them, at the times and in the manner required by law, will, in every instance, terminate the official connexion of such defaulting officer with the government.

Although, in our country, the chief magistrate must

almost of necessity be chosen by a party, and stand pledged to its principles and measures, yet, in his official action, he should not be the President of a part only, but of the whole people of the United States. While he executes the laws with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the executive department of the government the principles and policy of those who have chosen him, he should not be unmindful that our fellow citizens who have differed with him in opinion, are entitled to the full and free exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard.

Confidently relying upon the aid and assistance of the co-ordinate departments of the government in conducting our public affairs, I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour, to continue His gracious benedictions upon us, that we may continue to be a prosperous and happy people.

Z. Taylor.

TAYLOR'S INAUGURAL ADDRESS.

March 5, 1849.

Elected by the American people to the highest office known to our laws, I appear here to take the oath prescribed by the Constitution, and in compliance with the time-honoured custom, to address those who are now assembled.

The confidence and respect shown by my countrymen in calling me to be the Chief Magistrate of a Republic holding a high rank among the nations of the earth, have inspired me with feelings of the most profound gratitude; but when I reflect that the acceptance of the office which their partiality has bestowed imposes the discharge of the most arduous duties, involves the weightiest obligations, I am conscious that the position which I have been called to fill, though sufficient to satisfy the loftiest ambition, is surrounded by fearful responsibilities. Happily, however, in the performance of my new duties, I shall not be without able co-operation. The legislative and judicial branches of the government present prominent examples of distinguished civil attainments and matured experience, and it shall be my endeavour to call to my assistance, in the executive departments, individuals whose talents, integrity, and purity of character, will furnish ample guarantees for the faithful and honourable performance of the trusts to be committed to their charge. With such aid, and an honest purpose to do whatever is right, I hope to execute diligently, impartially, and for the best interests of the country, the manifold duties devolved upon me.

In the discharge of these duties, my guide will be the Constitution, which I this day swear to preserve, protect, and defend. For the interpretation of that instrument, I shall look to the decisions of the judicial tribunals established by its authority, and to the practice of government under the earlier Presidents, who had so large a share in its formation. To the example of those illustrious patriots I shall always defer with reverence,

and especially to his example who was, by so many titles, the Father of his Country.

To command the army and navy of the United States; with the advice and consent of the Senate, to make treaties, appoint ambassadors and other officers, to give to Congress information of the state of the Union, and recommend such measures as he shall judge to be necessary, and to take care that the laws shall be faithfully executed—these are the most important functions intrusted to the President by the Constitution, and it may be expected that I shall briefly indicate the principles which will control me in their execution.

Chosen by the body of the people, under the assurance that my administration should be devoted to the welfare of the whole country and not to the support of any particular section, or merely local interests, I this day renew the declarations I have heretofore made, and proclaim my fixed determination to maintain, to the extent of my ability, the Government in its original purity, and to adopt as the basis of my public policy those great Republican doctrines which constitute the strength of our national existence.

In reference to the army and navy, lately employed with so much distinction in active service, care shall be taken to insure the highest condition of efficiency, and in furtherance of that object, the Military and Naval Schools, sustained by the liberality of Congress, shall receive the special attention of the Executive.

As American freemen, we cannot but sympathize in all efforts to extend the blessings of civil and political liberty; but at the same time we are warned by the admonitions of history and the voice of our own beloved Washington to abstain from entangling alliances with foreign nations. In all disputes between conflicting governments, it is our interest, not less than our duty, to remain strictly neutral; while our geographical position, the genius of our institutions and our people, the advancing spirit of civilization, and, above all, the dictates of religion, direct us to the cultivation of peaceful and friendly relations with all other powers. It is to be hoped that no international question can now arise which

a government, confident in its own strength, and resolved to protect its own just rights, may not settle by wise negotiation, and it eminently becomes a government like our own, founded on the morality and intelligence of its citizens, and upheld by their affections, to exhaust every resort of honourable diplomacy before appealing to arms. In the conduct of our foreign relations I shall conform to these views, as I believe them essential to the best interests and true honour of the country.

The appointing power vested in the President imposes delicate and onerous duties. So far as it is possible to be informed, I shall make honesty, capacity, and fidelity indispensable pre-requisites to the bestowal of office; and the absence of either of these qualities shall be deemed sufficient cause for removal.

It shall be my study to recommend such constitutional measures to Congress as may be necessary and proper to secure encouragement and protection to the great interests of agriculture, commerce, and manufactures, to improve our rivers and harbours, to provide for the speedy extinguishment of the public debt, to enforce a strict accountability on the part of all officers of the government, and the utmost economy in all public expenditures. But it is for the wisdom of Congress itself, in which all legislative powers are vested by the Constitution, to regulate these and other matters of domestic policy. I shall look with confidence to the enlightened patriotism of that body to adopt such measures of conciliation as may harmonize conflicting interests, and tend to perpetuate that union which should be the paramount object of our hopes and affections. In any action calculated to promote an object so near the heart of every one who truly loves his country, I will zealously unite with the co-ordinate branches of the government.

In conclusion, I congratulate you, my fellow-citizens, upon the high state of prosperity to which the goodness of Divine Providence has conducted our common country. Let us invoke a continuance of the same protecting care which has led us through small beginnings, to the eminence to which we have this day arrived, and let us seek to deserve that continuance by prudence and moderation

in our councils, by well directed attempts to assuage the bitterness which too often marks unavoidable differences of opinion, by the promulgation and practice of just and liberal principles, and by an enlarged patriotism, which shall acknowledge no limits but those of our own wide-spread Republic.

President Taylor died at the Executive Mansion, in Washington City, on the night of the 9th of July, 1850. Vice-President Fillmore, the next morning, transmitted the following message to Congress, then in session, and at once entered upon the duties of his new office, as the 13th President of the United States:—

PRESIDENT FILLMORE'S MESSAGE.

Fellow-citizens of the Senate and House of Representatives:

A great man has fallen among us, and a whole community is called to an occasion of unexpected, deep, and general mourning. I recommend to the two Houses of Congress to adopt such measures as, in their discretion, may seem proper to perform with due solemnities the funeral obsequies of Zachary Taylor, late President of the United States, and thereby to signify the great and affectionate regard of the American people for the memory of one whose life has been devoted to the public service—whose career in arms has not been surpassed in usefulness or brilliancy—who has been so recently raised by the unsolicited voice of the people, to the highest civil authority in the government, which he administered with so much honour and advantage to his country, and by whose sudden death so many hopes of future usefulness are blighted for ever. To you, Senators and Representatives of a nation in tears, I can say nothing which can alleviate the sorrow with which you are oppressed. I appeal to you to aid me under the trying circumstances which surround me in the discharge of the duties, from which, however much I may be oppressed by them, I dare not shrink; and I rely upon Him, who holds in His hands the destinies of nations, to endow me with the requisite strength for the task, and to avert from our country the evils apprehended from the heavy calamity which has befallen us. I shall most readily concur in whatever measures the wisdom of the two Houses may suggest as befitting this deeply melancholy occasion.

MILLARD FILLMORE.

Washington, July 10, 1850.

Millard Fillmore

Frank Pierce

PIERCE'S INAUGURAL ADDRESS.

March 4, 1853.

My countrymen:—It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow, over which I have been borne to a position, so suitable for others, rather than desirable for myself.

The circumstances, under which I have been called, for a limited period, to preside over the destinies of the Republic fill me with a profound sense of my responsibility but with nothing like shrinking apprehension. I repair to the post assigned me, not as to one sought, but in obedience to the unsolicited expression of your will, answerable only for a fearless, faithful, and diligent exercise of my best powers.

I ought to be, and am, truly grateful for the rare manifestation of the nation's confidence; but this, so far from lightening my obligations, only adds to their weight. You have summoned me in my weakness; you must sustain me by your strength. When looking for the fulfilment of reasonable requirements, you will not be unmindful of the great changes which have occurred, even within the last quarter of a century, and the consequent augmentation and complexity of duties imposed, in the administration both of your home and foreign affairs.

Whether the elements of inherent force in the Republic have kept pace with its unparalleled progression in territory, population, and wealth, has been the subject of earnest thought and discussion, on both sides of the ocean. Less than sixty-three years ago, the Father of his Country made "the" then "recent accession of the important State of North Carolina to the Constitution of the United States," one of the subjects of his special congratulation. At that moment, however, when the agitation consequent upon the revolutionary struggle had hardly subsided, when we were just emerging from the weakness and embarrassment of the Confederation, there was an evident consciousness of vigor equal to the great mission so wisely and bravely fulfilled by our fathers. It

was not a presumptuous assurance, but a calm faith, springing from a clear view of the sources of power, in a government constituted like ours.

It is no paradox to say that, although comparatively weak, the new-born nation was intrinsically strong. Inconsiderable in population and apparent resources, it was upheld by a broad and intelligent comprehension of rights, and an all-pervading purpose to maintain them, stronger than armaments. It came from the furnace of the revolution, tempered to the necessities of the times. The thoughts of the men of that day were as practical as their sentiments were patriotic. They wasted no portion of their energies upon idle and delusive speculations, but with a firm and fearless step advanced beyond the governmental landmarks, which had hitherto circumscribed the limits of human freedom, and planted their standard where it has stood, against dangers, which have threatened from abroad, and internal agitation, which has at times fearfully menaced at home.

They approved themselves equal to the solution of the great problem to understand which their minds had been illuminated by the dawning lights of the revolution.—The object sought was not a thing dreamed of—it was a thing realized. They had exhibited not only the power to achieve, but what all history affirms to be so much more unusual, the capacity to maintain. The oppressed throughout the world, from that day to the present, have turned their eyes hitherward, not, to find those lights extinguished, or to fear lest they should wane, but to be constantly cheered by their steady and increasing radiance.

In this, our country has in my judgment thus far fulfilled its highest duty to suffering humanity. It has spoken, and will continue to speak, not only by its words but by its acts, the language of sympathy, encouragement, and hope, to those, who earnestly listen to tones, which pronounce for the largest rational liberty. But, after all, the most animating encouragement and potent appeal for freedom will be its own history, its trials and its triumphs. Pre-eminently, the power of our advocacy reposes in our example; but no example, be it remem-

bered, can be powerful for lasting good, whatever appa rent advantages may be gained, which is not based upon eternal principles of right and justice. Our fathers decided for themselves, both upon the hour to declare and the hour to strike.

They were their own judges of the circumstances, under which it became them to pledge to each other "their lives, their fortunes, and their sacred honour," for the acquisition of the priceless inheritance transmitted to us. The energy, with which that great conflict was opened, and under the guidance of a manifest and beneficent Providence, the uncomplaining endurance, with which it was prosecuted to its consummation, were only surpassed by the wisdom and patriotic spirit of concession, which characterized all the counsels of the early fathers.

One of the most impressive evidences of that wisdom is to be found in the fact, that the actual working of our system has dispelled a degree of solicitude, which, at the outset, disturbed bold hearts and far-reaching intellects. The apprehension of dangers from extended territory, multiplied States, accumulated wealth, and augmented population, has proved to be unfounded. The stars upon your banner have become nearly three-fold their original number, your densely populated possessions skirt the shores of the two great oceans, and yet this vast increase of people and territory has not only shown itself compatible with the harmonious action of the States and the Federal government in their respective constitutional spheres, but has afforded an additional guarantee of the strength and integrity of both.

With an experience thus suggestive and cheering, the policy of my administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation, and our position on the globe, render the acquisition of certain possessions, not witihn our jurisdiction, eminently important for our protection, if not, in the future, essential for the preservation of the rights of commerce and the peace of the world. Should they be obtained, it will be through no grasping spirit, but with a view to obvious national

interest and security, and in a manner entirely consisten with the strictest observance of national faith.

We have nothing in our history or position to invite aggression, we have every thing to beckon us to the culti vation of relations of peace and amity with all nations Purposes, therefore, at once just and pacific, will be signi ficantly marked in the conduct of our foreign affairs. I intend that my administration shall leave no blot upon our fair record, and I trust that I may safely give the assurance that no act within the legitimate scope of my constitutional control will be tolerated, on the part of any portion of our citizens, which cannot challenge a ready justification be- fore the tribunal of the civilized world.

An administration would be unworthy of confidence at home, or respect abroad, should it cease to be influ- enced by the conviction, that no apparent advantage can be purchased at a price so dear as that of national wrong or dishonour. It is not your privilege, as a nation, to speak of a distant past. The striking incidents of your history, replete with instruction, and furnishing abundant grounds for hopeful confidence, are comprised in a period comparatively brief. But if your past is limited, your future is boundless. Its obligations throng the unex- plored pathway of advancement, and will be limitless as duration. Hence, a sound and comprehensive policy should embrace, not less the distant future, than the ur- gent present.

The great objects of our pursuits, as a people, are best to be attained by peace, and are entirely consistent with the tranquillity and interests of the rest of mankind. With the neighbouring nations upon our continent, we should cultivate kindly and fraternal relations. We can desire nothing in regard to them so much, as to see them conso lidate their strength, and pursue the paths of prosperity and happiness. If, in the course of their growth, we should open new channels of trade and create additional f cilities for friendly intercourse, the benefits realized will be equal and mutual.

Of the complicated European systems of national po lity we have heretofore been independent. From their wars, their tumults and anxieties, we have been, happily

almost entirely exempt. Whilst these are confined to the nations which gave them existence, and within their legitimate jurisdiction, they cannot affect us, except as they appeal to our sympathies in the cause of human freedom and universal advancement. But the vast interests of commerce are common to all mankind, and the advantages of trade and international intercourse must always present a noble field for the moral influence of a great people.

With these views firmly and honestly carried out, we have a right to expect, and shall under all circumstances require, prompt reciprocity. The rights, which belong to us as a nation, are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment, or title to secure for him place, it will be his privilege, and must be his acknowledged right to stand unabashed even in the presence of princes, with a proud consciousness that he is himself one of a nation of sovereigns, and that he cannot, in legitimate pursuit, wander so far from home, that the agent, whom he shall leave behind in the place which I now occupy, will not see that no rude hand of power or tyrannical passion is laid upon him with impunity. He must realize, that upon every sea, and on every soil, where our enterprise may rightfully seek the protection of our flag, American citizenship is an inviolable panoply for the security of American rights. And in this connexion, it can hardly be necessary to re-affirm a principle which should now be regarded as fundamental. The rights, security, and repose of this Confederacy reject the idea of interference or colonization, on this side of the ocean, by any foreign power, beyond present jurisdiction, as utterly inadmissible.

The opportunities of observation, furnished by my brief experience as a soldier, confirmed in my own mind the opinion, entertained and acted upon by others from the formation of the government, that the maintenance of large standing armies in our country would be not only

dangerous, but unnecessary. They also illustrated the importance, I might well say the absolute necessity, of the military science and practical skill furnished, in such an eminent degree, by the institution, which has made your army what it is, under the discipline and instruction of officers not more distinguished for their solid attainments, gallantry, and devotion to the public service, than for unobtrusive bearing and high moral tone.

The army, as organized, must be the nucleus, around which, in every time of need, the strength of your military power, the sure bulwark of your defence—a national militia—may be readily formed into a well disciplined and efficient organization. And the skill and self-devotion of the navy assure you that you may take the performance of the past as a pledge for the future, and may confidently expect that the flag, which has waved its untarnished folds over every sea, will still float in undiminished honour. But these, like many other subjects, will be appropriately brought, at a future time, to the attention of the co-ordinate branches of the government, to which I shall always look with profound respect, and with trustful confidence that they will accord to me the aid and support, which I shall so much need, and which their experience and wisdom will readily suggest.

In the administration of domestic affairs, you expect a devoted integrity in the public service, and an observance of rigid economy in the departments, so marked as never justly to be questioned. If this reasonable expectation be not realized, I frankly confess that one of your leading hopes is doomed to disappointment, and that my efforts, in a very important particular, must result in a humiliating failure. Offices can be properly regarded only in the light of aids for the accomplishment of these objects; and as occupancy can confer no prerogative, nor importunate desire for preferment any claim, the public interest imperatively demands that they be considered with sole reference to the duties to be performed. Good citizens may well claim the protection of good laws and the benign influence of good government; but a claim

for office is what the people of a republic should never recognize.

No reasonable man of any party will expect the administration to be so regardless of its responsibility, and of the obvious elements of success, as to retain persons, known to be under the influence of political hostility and partisan prejudice, in positions, which will require, not only severe labour, but cordial co-operation. Having no implied engagements to ratify, no rewards to bestow, no resentments to remember, and no personal wishes to consult, in selections for official station, I shall fulfil this difficult and delicate trust, admitting no motive as worthy either of my character or position, which does not contemplate an efficient discharge of duty and the best interests of my country.

I acknowledge my obligations to the masses of my countrymen, and to them alone. Higher objects than personal aggrandizement gave direction and energy to their exertion in the late canvass, and they shall not be disappointed. They require at my hands diligence, integrity, and capacity, wherever there are duties to be performed. Without these qualities in their public servants, more stringent laws, for the prevention or punishment of fraud, negligence and peculation, will be vain. With them, they will be unnecessary.

But these are not the only points, to which you look for vigilant watchfulness. The dangers of a concentration of all power in the general government of a confederacy so vast as ours, are too obvious to be disregarded. You have a right, therefore, to expect your agents, in every department, to regard strictly the limits imposed upon them by the Constitution of the United States. The great scheme of our constitutional liberty rests upon a proper distribution of power between the State and Federal authorities; and experience has shown, that the harmony and happiness of our people must depend upon a just discrimination between the separate rights and responsibilities of the States, and your common rights and obligations under the general government.

And here, in my opinion, are the considerations, which

should form the true basis of future concord in regard to the questions which have most seriously disturbed public tranquillity. If the Federal Government will confine itself to the exercise of powers clearly granted by the Constitution, it can hardly happen that its actions upon any questions should endanger the institutions of the States, or interfere with their right to manage matters strictly domestic according to the will of their own people.

In expressing briefly my views upon an important subject, which has recently agitated the nation to almost a fearful degree, I am moved by no other impulse than a most earnest desire for the perpetuity of that Union which has made us what we are; showering upon us blessings, and conferring a power and influence which our fathers could hardly have anticipated, even with their most sanguine hopes directed to a far-off future. The sentiments I now announce were not unknown before the expression of the voice which called me here. My own position upon this subject was clear and unequivocal, upon the record of my words and my acts, and it is only recurred to at this time because silence might, perhaps, be misconstrued.

With the Union, my best and dearest earthly hopes are entwined. Without it, what are we, individually or collectively? What becomes of the noblest field ever opened for the advancement of our race, in religion, in government, in the arts, and in all that dignifies and adorns mankind? From that radiant constellation, which both illumines our own way and points out to struggling nations their course, let but a single star be lost, and, if there be not utter darkness, the lustre of the whole is dimmed. Do my countrymen need any assurance that such a catastrophe is not to overtake them, while I possess the power to stay it?

It is with me an earnest and vital belief, that as the Union has been the source, under Providence, of our prosperity to this time, so it is the surest pledge of a continuance of the blessings we have enjoyed, and which we are sacredly bound to transmit undiminished to our children. The field of free and calm discussion in our country is open, and will always be so, but it never has

been and never can be traversed for good in a spirit of sectionalism and uncharitableness.

The founders of the Republic dealt with things as they were presented to them, in a spirit of self-sacrificing patriotism, and, as time has proved, with a comprehensive wisdom, which it will always be safe for us to consult. Every measure, tending to strengthen the fraternal feelings of all the members of our Union, has had my heartfelt approbation. To every theory of society or government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall interpose a ready and stern resistance.

I believe that involuntary servitude, as it exists in different States of this confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called the "Compromise Measures," are strictly constitutional, and to be unhesitatingly carried into effect. I believe that the constituted authorities of this Republic are bound to regard the rights of the South in this respect, as they would view any other legal and constitutional right, and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully, and according to the decisions of the tribunal to which their exposition belongs. Such have been, and are, my convictions, and upon them I shall act. I fervently hope that the question is at rest, and that no sectional, or ambitious, or fanatical excitement may again threaten the durability of our institutions, or obscure the light of our prosperity.

But let not the foundation of our hopes rest upon man's wisdom. It will not be sufficient that sectional prejudices find no place in the public deliberations. It will not be sufficient that the rash counsels of human passion are rejected. It must be felt that there is no national security but in the nation's humble, acknowledged dependence upon God and his overruling providence.

We have been carried in safety through a perilous crisis. Wise counsels, like those which gave us the Constitution, prevailed to uphold it. Let the period be remembered as an admonition, and not as an encouragement, in any section of the Union, to make experiments where experiments are fraught with such fearful hazard. Let it be impressed upon all hearts, that beautiful as our fabric is, no earthly power or wisdom could ever re-unite its broken fragments.

Standing as I do almost within view of the green slopes of Monticello, and as it were, within reach of the tomb of Washington, with all the cherished memories of the past gathering round me, like so many eloquent voices of exhortation from heaven, I can express no better hope for my country, than that the kind Providence which smiled upon our Fathers, may enable their children to preserve the blessings which they have inherited.

BUCHANAN'S INAUGURAL ADDRESS.

March 4, 1857.

Fellow-Citizens:

I appear before you this day to take the solemn oath, "that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." In entering upon this great office, I most humbly invoke the God of our fathers for wisdom and firmness to execute its high and responsible duties in such a manner as to restore harmony and ancient friendship among the people of the several States, and to preserve our free institutions throughout many generations. Convinced that I owe my election to the inherent love for the Constitution and the Union which still animates the hearts of the American people, let me earnestly ask their powerful support in sustaining all just measures calculated to perpetuate these, the richest political blessings which Heaven has ever bestowed upon any nation. Having determined not to become a candidate for re-election, I shall have no motive to influence my conduct in administering the government, except the desire ably and faithfully to serve my country and to live in the grateful memory of my countrymen. We have recently passed through a Presidential contest in which the passions of our fellow-citizens were excited to the highest degree by questions of deep and vital importance. But, when the people proclaimed their will, the tempest at once subsided, and all was calm. The voice of the majority, speaking in the manner prescribed by the Constitution, was heard, and instant submission followed. Our own country could alone have exhibited so grand and striking a spectacle of the capacity of man for self-government. What a happy conception, then, was it for Congress to apply this simple rule—"that the will of the majority shall govern"—to the settlement of the question of domestic slavery in the territories! Congress is neither "to legislate slavery into any territory nor to exclude it therefrom," but to leave the people

thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. As a natural consequence, Congress has also prescribed that, when the Territory of Kansas shall be admitted as a State, it shall be received into the Union with or without slavery, as their own Constitution may prescribe at the time of their admission. A different opinion has arisen in regard to the point of time when the people of a territory shall decide the question for themselves. This is happily a matter of but little practical importance; besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever that may be; though it has ever been my individual opinion that, under the Nebraska-Kansas act, the appropriate period will be when the number of actual residents in the territory shall justify the formation of a constitution, with a view to its admission as a State into the Union. But, be this as it may, it is the imperative and indispensable duty of the government of the United States to secure to every resident inhabitant the free and independent expression of his opinion by his vote. This sacred right of each individual must be preserved. This being accomplished, nothing can be fairer than to leave the people of a territory free from all foreign interference, to decide their own destiny for themselves, subject only to the Constitution of the United States. The whole territorial question being thus settled upon the principle of popular sovereignty—a principle as ancient as free government itself—every thing of a practical nature has been decided. No other question remains for adjustment, because all agree that, under the Constitution, slavery in the States is beyond the reach of any human power except that of the respective States themselves wherein it exists. May we not, then, hope that the long agitation on this subject is approaching its end, and that the geographical parties to which it has given birth—so much dreaded by the Father of his Country—will speedily become extinct? Most happy will it be for the country

when the public mind shall be diverted from this question to others of more pressing and practical importance. Throughout the whole progress of this agitation, which has scarcely known any intermission for more than twenty years, whilst it has been productive of no positive good to any human being, it has been a prolific source of great evils to the master, to the slave, and to the whole country. It has alienated and estranged the people of sister States from each other, and has even seriously endangered the very existence of the Union. Nor has the danger yet entirely ceased. Under our system there is a remedy for all mere political evils in the sound sense and sober judgment of the people. Time is a great corrective. Political subjects which but a few years ago excited and exasperated the public mind have passed away and are now nearly forgotten. But the question of domestic slavery is of far greater importance than any mere political question; because, should the agitation continue, it may eventually endanger the personal safety of a large portion of our countrymen where the institution exists. In that event no form of government, however admirable in itself, however productive of material benefits, can compensate for the loss of peace and domestic security around the family altar. Let every Union-loving man, therefore, exert his best influence to suppress this agitation, which, since the recent legislation of Congress, is without any legitimate object. It is an evil omen of the times that men have undertaken to calculate the mere material value of the Union, and that estimates have been presented of the pecuniary profits and local advantages which would result to different States and sections from its dissolution, and of the comparative injuries which such an event would inflict on other States and sections. Even descending to this low and narrow view of the mighty question, all such calculations are at fault; the bare reference to a single consideration will be conclusive on this point. We at present enjoy a free trade throughout our extensive and expanding country such as the world never witnessed. This trade is conducted on railroads and canals, on noble rivers and arms of the sea, which bind together the North and the South, the East and the West, of our confederacy.

Annihilate this trade, arrest its free progress by the geographical lines of jealous and hostile States, and you destroy the prosperity and onward march of the whole and every part, and involve all in one common ruin. But such considerations, important as they are in themselves, sink into insignificance when we reflect on the terrific evils which would result from disunion to every portion of the confederacy,—to the North not more than to the South—to the East not more than to the West. These I shall not attempt to portray, because I feel an humble confidence that the kind Providence which inspired our fathers with wisdom to frame the most perfect form of government and union ever devised by man will not suffer it to perish until it shall have been peacefully instrumental, by its example, in the extension of civil and religious liberty throughout the world.

Next in importance to the maintenance of the Constitution and the Union, is the duty of preserving the government free from the taint or even the suspicion of corruption. Public virtue is the vital spirit of republics; and history proves that when this has decayed and the love of money has usurped its place, although the forms of free government may remain for a season, the substance has departed forever.

Our present financial condition is without a parallel in history. No nation has ever before been embarrassed from too large a surplus in its treasury. This almost necessarily gives birth to extravagant legislation. It produces wild schemes of expenditures, and begets a race of speculators and jobbers whose ingenuity is exerted in contriving and promoting expedients to obtain public money. The purity of official agents, whether rightfully or wrongfully, is suspected, and the character of the government suffers in the estimation of the people. This is in itself a very great evil. The natural mode of relief from this embarrassment is to appropriate the surplus in the Treasury to great national objects, for which a clear warrant can be found in the Constitution. Among these I might mention the extinguishment of the public debt, a reasonable increase of the Navy,—which is at present inadequate to the protection of our vast tonnage afloat, now greater than that

of any other nation, as well as to the defence of our extensive sea-coast. It is beyond all question the principle that no more revenue ought to be collected from the people than the amount necessary to defray the expenses of a wise, economical, and efficient administration of the government. To reach this point, it was necessary to resort to a modification of the tariff, and this has, I trust, been accomplished in such a manner as to do as little injury as may have been practicable to our domestic manufactures, especially those necessary for the defence of the country. Any discrimination against a particular branch, for the purpose of benefiting favored corporations, individuals or interests, would have been unjust to the rest of the community, and inconsistent with that spirit of fairness and equality which ought to govern in the adjustment of a revenue tariff. But the squandering of the public money sinks into comparative insignificance, as a temptation to corruption, when compared with the squandering of the public lands. No nation, in the tide of time, has ever been blessed with so rich and noble an inheritance as we enjoy in the public lands. In administering this important trust, whilst it may be wise to grant portions of them for the improvement of the remainder, yet we should never forget that it is our cardinal policy to preserve these lands, as much as may be, for actual settlers, and this at moderate prices. We shall thus not only best promote the prosperity of the new States and Territories by furnishing them a hardy and independent race of honest and industrious citizens, but shall secure homes for our children and our childrens' children, as well as for those exiles from foreign shores who may seek in this country to improve their condition and to enjoy the blessings of civil and religious liberty. Such emigrants have done much to promote the growth and prosperity of the country. They have proved faithful both in peace and in war. After becoming citizens, they are entitled, under the Constitution and laws, to be placed on perfect equality with native-born citizens; and in this character they should ever be kindly recognised. The Federal Constitution is a grant from the States to Congress of certain specific powers, and the question whether this grant should be liberally or strictly

construed has more or less divided political parties from the beginning. Without entering into the argument, I desire to state, at the commencement of my administration, that long experience and observation have convinced me that a strict construction of the powers of the government is the only true, as well as the only safe, theory of the Constitution. Whenever, in our past history, doubtful powers have been exercised by Congress, these have never failed to produce injurious and unhappy consequences. Many such instances might be adduced if this were the proper occasion. Neither is it necessary for the public service to strain the language of the Constitution, because all the great and useful powers required for a successful administration of the government, both in peace and in war, have been granted either in express terms, or by the plainest implication. Whilst deeply convinced of these truths, I yet consider it clear that, under the war-making power, Congress may appropriate money towards the construction of a military road, when this is absolutely necessary for the defence of any State or Territory of the Union against foreign invasion. Under the Constitution, Congress has power "to declare war"—"to raise and support armies"—"to provide and maintain a navy," and to call forth the militia to "repel invasion." Thus endowed in an ample manner with the war-making power, the corresponding duty is secured that "the United States shall protect each of them (the States) against invasion." Now, is it possible to afford this protection to California and our Pacific possessions except by means of a military road through the territories of the United States, over which men and munitions of war may be speedily transported from the Atlantic States to meet and repel the invader? In the event of a war with a naval power much stronger than our own, we should then have no other available access to the Pacific coast, because such a power would instantly close the route across the Isthmus of Central America. It is impossible to conceive that, whilst the Constitution has expressly required Congress to defend all the States, it should yet deny to them by any fair construction the only possible means by which one of these States can be defended. Besides, the government, ever

since its origin, has been in the constant practice of constructing military roads. It might also be wise to consider whether the love for the Union which now animates our fellow-citizens on the Pacific coast may not be impaired by our neglect or refusal to provide for them, in their remote and isolated condition, the only means by which the power of the States on this side of the Rocky Mountains can reach them in sufficient time to protect them against invasion.

I forbear for the present from expressing an opinion as to the wisest and most economical mode in which the government can lend its aid in accomplishing this great and necessary work. I believe that many of the difficulties in the way, which now appear formidable, will in a great degree vanish as soon as the nearest and best route shall have been satisfactorily ascertained. It may be right that on this occasion I should make some brief remarks in regard to our rights and duties as a member of the great family of nations. In our intercourse with them there are some plain principles approved by our own experience, from which we should never depart.

We ought to cultivate peace, commerce, and friendship with all nations; and this, not merely as the best means of promoting our own material interests, but in a spirit of Christian benevolence towards fellow-men wherever their lot may be cast.

Our diplomacy should be direct and frank,—neither seeking to obtain more, nor accepting less, than is our due. We ought to cherish a sacred regard for the independence of all nations, and never attempt to interfere in the domestic concerns of any, unless this shall be imperatively required by the great law of self-preservation. To avoid entangling alliances has been a maxim of our policy ever since the days of Washington, and its wisdom no one will attempt to dispute.

In short, we ought to do justice in a kindly spirit to all nations, and require justice from them in return.

It is our glory that, whilst other nations have extended their dominions by the sword, we have never acquired any territory except by fair purchase, or, as in the case of Texas, by the voluntary determination of a brave, kindred,

and independent people to blend their destinies with our own. Even our acquisitions from Mexico form no exception. Unwilling to take advantage of the fortune of war against a sister republic, we purchased these possessions under the treaty of peace for a sum which was considered at the time a fair equivalent. Our past history forbids that we should in the future acquire territory, unless this be sanctioned by the laws of justice and honour. Acting on this principle, no nation will have a right to interfere or to complain if, in the progress of events, we shall still further extend our possessions. Hitherto, in all our acquisitions, the people under the protection of the American flag have enjoyed civil and religious liberty, as well as equal and just laws, and have been contented, prosperous, and happy. Their trade with the rest of the world has rapidly increased, and thus every commercial nation has shared largely in their successful progress. I shall now proceed to take the oath prescribed by the Constitution—whilst humbly invoking the blessings of Divine Providence on this great people.

APPENDIX.

CONSTITUTION OF THE UNITED STATES

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SEC. I.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. II.—1. The House of Representatives shall be composed of members chosen every second year, by the people of the several states: and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative: and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to

choose three; *Massachusetts*, eight; *Rhode Island and Providence Plantations*, one; *Connecticut*, five; *New York*, six; *New Jersey*, four; *Pennsylvania*, eight; *Delaware*, one; *Maryland*, six; *Virginia*, ten; *North Carolina*, five; *South Carolina*, five; *Georgia*, three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. III.—1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments When sitting for that purpose, they shall be

on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SEC. IV.—1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state, by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. V.—1. Each house shall be judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. VI.—1. The senators and representatives shall receive a compensation for their services, to be ascertain-

ed by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house, during his continuance in office.

SEC. VII.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journals of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless Congress, by their adjournment prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives

may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. VIII.—The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. IX.—1. The migration or importation of such persons as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight. but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless, when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

SEC. X.—1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SEC. 1.—The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together

with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [Annulled. See Amendments, art. 12.]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SEC II.—1. The President shall be commander-in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States: he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior offices as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. III.—1. He shall, from time to time, give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he may think proper; he shall receive ambassadors, and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. IV.—1 The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC. I.—1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. II.—1. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state, claiming lands under grants of different states, and between a state, of the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SEC. III.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or confessions in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SEC. I.—1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. II.—1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. III.—1. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislature of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SEC IV.—1. The United States shall guarantee to every state in this union, a republican form of government, and shall protect each of them against invasion,

and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.
JOHN LANGDON,
NICHOLAS GILMAN.

Massachusetts.
NATHANIEL GORHAM,
RUFUS KING.

Connecticut.
WM. SAMUEL JOHNSON,
ROGER SHERMAN.

New York.
ALEXANDER HAMILTON.

New Jersey.
WILLIAM LIVINGSTON,
DAVID BREARLEY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

Pennsylvania.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOVERNEUR MORRIS.

Delaware,
GEORGE READ,
GUNNING BEDFORD, Jr
JOHN DICKERSON,
RICHARD BASSETT,
JACOB BROOM.

Maryland.
JAMES M'HENRY,
DANIEL JENIFER, of St. Tho.
DANIEL CARROLL.

Virginia.
JOHN BLAIR.
JAMES MADISON, Jr.

North Carolina.
WILLIAM BLOUNT,
RICH. DOBBS SPAIGHT,
HUGH WILLIAMSON.

South Carolina.
JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

Georgia.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest, WILLIAM JACKSON, *Secretary*

AMENDMENTS TO THE CONSTITUTION

ART. I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ART. II.—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. III.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ART. VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory pro-

cess for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ART. VII.—In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ART. VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. IX.—The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X.—The powers not delegated to the United States by the constitution, nor prohibited to it by the states, are reserved to the states respectively, or to the people.

ART. XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ART. XII.—1. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be President. if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the per-

sons having the highest number, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.—But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ART. XIII.—If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept or retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

CONSTITUTION OF MASSACHUSETTS.

PART I.

A Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts.

Article 1. All men are born free and equal, and have certain natural, essential, and unalienable rights: among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

2. It is the right, as well as the duty, of all men in society, publicly, and at stated seasons, to worship the Supreme Being, the Great Creator and Preserver of the Universe. And no subject shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner and seasons most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

3. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused throughout the community, but by the institution of a public worship of God, and of public institutions in piety, religion, and morality; therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily

All the people of the commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers, as aforesaid, at stated times and seasons, if their be any one whose instructions they can conscientiously and conveniently attend:—

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

All moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any, on whose instruction he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any sect or denomination to another shall ever be established by law.

4. The people of the commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State: and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be by them expressly delegated to the United States of America, in congress assembled.

5. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

6. No man, or corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public And this title being, in nature

neither hereditary nor transmissible to children or descendants, or relations of blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

7. Government is instituted for the common good: for the protection, safety, prosperity and happiness of the people: and not for the profit, honor, or private interest of any one man, family, or any one class of men. Therefore, the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

8. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by the frame of Government, to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments.

9. All elections ought to be free: and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of Government, have an equal right to elect officers, and to be elected for public employments.

10. Each individual of the society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to the standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary. But no part of the property of any individual can, with justice, be taken from him, or applied to the public use, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

11. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive, in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay—conformably to the laws.

12. No person shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself. And every person shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him, face to face, and be fully heard in his defence, by himself, or his counsel, at his election. And no person shall be arrested, imprisoned, or despoiled or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment (excepting for the Government of the army and navy) without trial by jury.

13. In criminal prosecutions the verifications of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

14. Every person has a right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in all suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons, or objects of search, arrest, or seizure. And no warrant ought to be issued but in such cases, and with the formalities prescribed by the laws.

15. In all controversies concerning property, and in all suits between two or more persons, (except in cases in which it has heretofore been otherwise used and practised,) the parties have a right to a trial by jury; and this method of procedure shall be held sacred,—unless, in cases arising on the high seas, and such as relate to ma-

riner's wages, the legislature shall hereafter find it neces sary to alter it.

16. The liberty of the press is essential to security of freedom in a state; it ought not, therefore, to be restrained in this commonwealth.

17. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained, without the consent of the legislature: and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

18. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives, and they have a right to require of their lawgivers, and magistrates, an exact and constant observance of them, in the formation and execution of all laws necessary for the good administration of the commonwealth.

19. The people have a right, in an orderly and peaceable manner, to assemble upon the common good, give instruction to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

20. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature: or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

21. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

22. The legislature ought frequently to assemble, for the redress of grievances, for correcting, strengthening,

and confirming the laws, and for making new laws, as the common good may require.

23. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatever, without the consent of the people, or their representatives in the legislature.

24. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

25. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

26. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

27. In time of peace, no soldier ought to be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made, but by the civil magistrates, in manner ordained by the legislature.

28. No person can, in any case, be subjected to law martial, or to any penalties or pains by virtue of that law, (except those employed in the army or navy, and except the militia in actual service,) but by the authority of the legislature.

29. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent, as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries, ascertained and established by standing laws.

30. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers,

or either of them; the judicial shall never exercise the legislative and executive powers, or either of them: to the end that it may be a government of laws, and not of men.

PART II.

Frame of Government.

The people inhabiting the territory formerly called the province of Massachusetts Bay, do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of—*The Commonwealth of Massachusetts*

CHAPTER I.

Section 1.—The Legislative Power.

The General Court.

Article 1. The department of legislation shall be formed by two branches, a Senate and House of Representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year, on the last Wednesday of May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the last Wednesday in May; and shall be styled, *The General Court of Massachusetts.*

2. No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But, if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the Governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration two-thirds of the said Senate or House of Representatives

shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, it shall have the force of a law; but in all such cases the votes of both Houses shall be determined by yeas and nays: and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the commonwealth.

And, in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the Governor within five days after it shall have been presented, the same shall have the force of a law.

3. The general court shall for ever have full power and authority to erect and constitute judicatories, and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes, and things whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil; or whether the said crimes be capital or not capital, or whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon; to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

4. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without (so as the same be not repugnant or contrary to this Constitution,) as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the citizens of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or pro-

vide by fixed laws for the naming and settling all civil officers, within the said commonwealth, the election and constitution of whom are not hereafter, in this form of government, otherwise provided for: and to set forth the several duties, powers, and limits of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and to impose and levy proportionable and reasonable assessments, rates, and taxes upon all the inhabitants of, and persons resident, and estates lying within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandises, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant under the hand of the Governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the citizens thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has hitherto been practised; in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth taken anew once in every ten years, at the least, and as much oftener as the general court shall order.

CHAPTER 1.

Section 2.—*Senate.*

Article 1 There shall be annually elected by the freeholders and other inhabitants of this commonwealth, qualified as in this Constitution is provided, forty persons to be counsellors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts

into which the commonwealth may from time to time be divided by the general court for that purpose. And the general court, in assigning the numbers to be elected by the representative districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth, the limits of each district, and the numbers of counsellors and senators to be chosen therein: provided that the number of such districts shall be never less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for choice of counsellors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for counsellors and senators, viz.:

Suffolk	six	York	two
Essex	six	Dukes county and Nantucket	one
Middlesex	five	Worcester	five
Hampshire	four	Cumberland	one
Plymouth	three	Lincoln	one
Barnstable	one	Berkshire	two
Bristol	three		

2. The Senate shall be the first branch of the legislature: and the senators shall be chosen in the following manner, viz: There shall be a meeting on the first Monday in April, annually forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and counsellors. And at such meetings every male inhabitant, of twenty-one years of age and upwards, having a freehold estate within the commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the word "inhabitant" in

this Constitution, every person shall be considered as an inhabitant (for the purpose of electing and being elected into any office or place within this state) in that town, district, or plantation, where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators; and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purports of the contents thereof, and delivered by the town clerk of such town to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates by him received into the secretary's office, seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated, (qualified as this Constitution provides,) who are or shall be empowered and required to assess taxes upon themselves, toward the support of government, shall have the same privilege of voting for counsellors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually on the same first Monday in April, at such place in the plantations respectively as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this Constitution; and all other persons, living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for

counsellors and senators in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

3. And that there may be a due convention of senators on the last Wednesday in May annually, the Governor and five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and, fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by the majority of votes, to attend on that day and take their seats accordingly: provided, nevertheless, that, for the first year, the said returned copies shall be examined by the president and five of the council of the former Constitution of government: and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

4. The Senate shall be the final judge of the elections, returns, and qualifications of their own members, as pointed out in the Constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district, to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the House of Representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect, by ballot, a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled in every district of the commonwealth: and, in like manner, all vacancies in the Senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies shall happen:—

5. Provided, nevertheless, that no person shall be capable of being elected a senator, who is not seized in his own right of a freehold within this commonwealth of the

value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum; and who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election; and at the time of his election he shall be an inhabitant in the district for which he shall be chosen.

6. The Senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

7. The Senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

8. The Senate shall be a court with full authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the commonwealth, for misconduct, and maladministration in their offices. But, previous to the trial of every impeachment, the members of the Senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust, or profit, under this commonwealth: but the party so convicted shall be, nevertheless, liable to impeachment, trial, judgment, and punishment, according to the laws of the land.

9. Not less than sixteen members of the Senate shall constitute a quorum for doing business.

CHAPTER I.

Section 3.—*House of Representatives.*

Article 1. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

2. And in order to provide for a representation of the citizens of this commonwealth, founded on the principles of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-

five ratable polls may elect two representatives: every corporate town containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative:

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative. But no place shall hereafter be incorporated with the privilege of electing a representative, unless there are, within the same, one hundred and fifty ratable polls.

And the House of Representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this Constitution.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the House, and does not depart without leave.

3. Every member of the House of Representatives shall be chosen by written votes; and for one year at least next preceding his election shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate, to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

4. Every male person (being twenty-one years of age, and resident of any particular town in this commonwealth, for the space of one year next preceding) having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative, or representatives for the said town.

5. The members of the House of Representatives shall be chosen annually, in the month of May, ten days, at least, before the last Wednesday of that month.

6. The House of Representatives shall be the grand inquest of this commonwealth; and all impeachments, made by them, shall be heard and tried by the Senate.

7. All money bills shall originate in the House of Representatives: but the Senate may propose or concur with amendments as on other bills.

8. The House of Representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

9. Not less than sixty members of the House of Representatives shall constitute a quorum for doing business.

10. The House of Representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle their rules and orders of proceeding in their own house. They shall have authority to punish, by imprisonment, every person (not a member) who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person, ordered to attend the House in his way in going or returning; or who shall rescue any person arrested by the order of the House.

And no member of the House of Representatives shall be arrested or held to bail on mesne process. during his going into, returning from, or his attending the general assembly

11. The Senate have the same powers in the like cases; and the Governor and Council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the Governor, Council, Senate, or House of Representatives, for either of the above described offences, be for a term exceeding thirty days.

And the Senate and House of Representatives may try and determine all cases where their rights and privileges

are concerned, and which, by the Constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

Section 1.—Executive Power.

Governor

Article 1. There shall be a supreme executive magistrate, who shall be styled *the Governor of the Commonwealth of Massachusetts;* and whose title shall be, *His Excellency.*

2. The Governor shall be chosen annually: and no person shall be eligible to this office, unless at the time of his election he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold within the commonwealth of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

3. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a Governor to the selectmen, who shall preside at such meetings; and the town clerk, in the presence, and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person, against his name: and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said lists, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May: and the sheriff shall transmit the same to the secretary's office seventeen days at least before the said last Wednesday in May; or the selectmen

may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the Senate and House of Representatives on the last Wednesday in May, to be by them examined: and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published. But if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for: but, if otherwise, out of the number voted for; and make return to the Senate of the persons so elected; on which the Senate shall, by ballot, elect one who shall be declared Governor.

4. The Governor shall have authority from time to time, at his discretion, to assemble and call together the counsellors of this commonwealth for the time being; and the Governor, with the said counsellors, or five of them at least, shall, and may from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the Constitution and laws of the land.

5. The Governor, with the advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same, to any time the two Houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May, and in the recess of the said court to prorogue the same, from time to time, not exceeding ninety days in any one recess: and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same. And in case of any infectious distemper prevailing in the place where the said court is next, at any time, to convene, or any cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other of the most convenient places within the State.

And the Governor shall dissolve the said general court on the day next preceding the last Wednesday in May

6. In cases of disagreement between the two Houses with regard to the necessity, expediency, or time of adjournment, or prorogation, the Governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine, and the public good shall require.

7. The Governor of this commonwealth, for the time being, shall be commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth; and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons, as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, (declared by the legislature to exist,) as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons (with their ships, arms, ammunition, and goods) as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth: and that the Governor be intrusted with all these and other powers incident to the offices of captain-general, and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land, and not otherwise.

Provided, that the said Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this common

wealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State, to which they cannot conveniently have access.

8. The power of pardoning offences, except such as persons may be convicted of before the Senate by an impeachment of the House, shall be in the Governor, by and with the advice of council; but no charter of pardon, granted by the Governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

9. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the Governor, by and with the advice and consent of the council; and every such nomination shall be made by the Governor, and made at least seven days prior to such appointment.

10. The captains and subalterns of the militia shall be elected by the written votes of the train band and alarm list of their respective companies, of twenty-one years of age and upwards. The field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments. The brigadiers shall be elected, in like manner, by the field officers of their respective brigades. And such officers, so elected, shall be commissioned by the Governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the Governor the officers elected

The major-generals shall be appointed by the Senate and House of Representatives, each having a negative upon the other; and be commissioned by the Governor.

And if the electors of brigadiers, field officers, captains, or subalterns, shall neglect or refuse to make such elections, after being duly notified according to the laws of the time being, then the Governor with advice of council shall appoint suitable persons to fill such offices

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both Houses to the Governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.

The commanding officers of regiments shall appoint their adjutants and quarter-masters; the brigadiers their brigade-majors; and the major-generals their aids; and the Governor shall appoint the adjutant-general.

The Governor, with advice of council, shall appoint all officers of the continental army, whom (by the confederation of the United States) it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

11. No moneys shall be issued out of the treasury of this commonwealth, and be disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant, under the hand of the Governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the act and resolves of the general court.

12. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property whatever, under their care respectively; distinguishing the quantity, number, quality, and kind of each, as particular as may be; together with the condition of

such forts and garrisons. And the said commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, harbor or harbors, adjacent.

And the said boards and all public officers shall communicate to the Governor, as soon as may be, after receiving the same, all despatches and intelligence of a public nature, which shall be directed to them respectively.

13. As the public good requires that the Governor should not be under the influence of any of the members of the general court, by a dependence on them for his support: that he should in all cases act with freedom for the benefit of the public; that he should not have his attention necessarily diverted from that object, to his private concerns; and that he should maintain the dignity of the commonwealth, in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws; and it shall be among the first acts of the general court, after the commencement of this Constitution, to establish such salary by law accordingly.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.—Section 2.

Lieutenant-Governor.

Article 1. There shall be annually elected a Lieutenant-Governor of the commonwealth of Massachusetts, whose title shall be, *His Honour;* and who shall be qualified, in point of religion, property, and residence in the commonwealth, in the same manner with the Governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the

election of a Governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner: and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the Senate and House of Representatives, in the same manner as the Governor is to be elected, in case no one person shall have a majority of the votes of the people, to be Governor.

2. The Governor, and, in his absence, the Lieutenant-Governor, shall be the president of the council; but shall have no vote in council; and the Lieutenant-Governor shall always be a member of the council, except when the chair of the Governor shall be vacant.

3. Whenever the chair of the Governor shall be vacant by reason of his death, or absence from the commonwealth, or otherwise, the Lieutenant-Governor for the time being shall, during such vacancy, perform all the duties incumbent upon the Governor, and shall have and exercise all the power and authorities which, by this Constitution, the Governor is vested with, when personally present.

CHAPTER II.—Section 3.

Council, and the manner of settling Elections by the Legislature.

Article 1. There shall be a council for advising the Governor in the Executive part of the Government, to consist of nine persons, besides the Lieutenant-Governor, whom the Governor, for the time being, shall have full power and authority from time to time, at his discretion, to assemble and call together: and the Governor, with the said counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

2. Nine counsellors shall be annually chosen from among the persons returned from the counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives, assembled in

one room: and in case there shall not be found, upon the first choice, the whole number of nine persons, who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid, from among the people at large; and the number of senators left shall constitute the Senate for the year. The seats for the persons thus elected from the Senate, and accepting the trust, shall be vacated in the Senate.

3. The counsellors, in the civil arrangements of the commonwealth, shall have rank next after the Lieutenant-Governor.

4. Not more than two counsellors shall be chosen out of any one district of this commonwealth.

5. The resolutions and advice of the council shall be recorded in a register; and signed by the members present: and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

6. Whenever the office of Governor and Lieutenant-Governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and to execute all and every such acts, matters, and things, as the Governor or Lieutenant-Governor might or could, by virtue of this Constitution, do or execute, if they or either of them were personally present.

7. And whereas the elections appointed to be made by this Constitution, on the last Wednesday in May annually, by the two Houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of election shall be as follows: the vacancies in the Senate, if any, shall first be filled up; the Governor and Lieutenant-Governor shall then be elected, provided there shall be no choice of them by the people; and afterwards the two Houses shall proceed to the election of the council.

CHAPTER II.—Section 4.

Secretary, Treasurer, Commissary, &c.

Article 1. The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room; and that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

2. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the Governor and council, the Senate and House of Representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

Judiciary Power.

Article 1. The tenure that all commission officers shall, by law, have in their offices, shall be expressed in their respective commissions; all judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behaviour; excepting such concerning whom there is different provision made in this Constitution: Provided, nevertheless, the Governor, with consent of the council, may remove them upon the address of both Houses of the legislature.

2. Each branch of the legislature, as well as the Governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

3. In order that the people may not suffer from the long continuance in place of any justice of the peace, who

shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

4. The judges of probates of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people may require: and the legislature shall, from time to time hereafter, appoint such times and places: until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

5. All the causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the Governor and council, until the legislature shall, by law, make other provisions.

CHAPTER IV.

Delegates to Congress.

The Delegates of this commonwealth to the Congress of the United States shall, some time in the month of June annually, be elected by joint ballot of the Senate and House of Representatives, assembled together in one room; to serve in Congress for one year, to commence on the first Monday in November the next ensuing. They shall have commission under the hand of the Governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner, in their stead.

CHAPTER V.

To the University at Cambridge, and Encouragement of Literature, &c.

Section 1.—The University.

Article 1. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard college, in which university many persons of great eminence have, by the blessing of God, been initiated into those arts and sciences which qualified them for public employments both in church and state: and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, it is declared that the president and fellows of Harvard college in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy: and the same are hereby ratified and confirmed unto them, the said president, and fellows of Harvard college, and to their successors, and to their officers and servants, respectively, for ever.

2. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard college, in Cambridge, in New England, or to the president and fellows of Harvard college, or to the said college, by some other description, under several charges successively—it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby for ever confirmed unto the president and fellows of Harvard college, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor and grantors, devisor or devisors.

3. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the Governor, and deputy-Governor, for the time being, and all the magistrates of that jurisdiction, were, with the president and a number of the clergy in the said act described, constituted the overseers of Harvard college: and it being necessary in this new constitution of government, to ascertain who shall be deemed successors to the said Governor, deputy-Governor, and magistrates, it is declared that the Governor, Lieutenant-Governor, Council, and Senate of this commonwealth, are and shall be deemed their successors: who, with the president of Harvard college, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard college: provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university as shall be conducive to its advantage, and the interest of the republic of letters in as full a manner as might have been done by the legislature of the late province of the Massachusetts Bay.

CHAPTER V.

Section 2.—*The Encouragement of Literature.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interest of literature and the sciences, and all seminaries of them: especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and

public institutions, by rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings sincerity, good humor, and all social affections and gene rous sentiments among the people.

CHAPTER VI.

Oaths and subscriptions; incompatibility of, and exclusion from, offices; pecuniary qualifications; commissions; writs; confirmation of laws; habeas corpus; the enacting style; continuance of officers; provision for a future revisal of the Constitution, &c.

Article 1. Any person chosen Governor, or Lieutenant-Governor, counsellors, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, take, make, and subscribe the following declaration, viz.:

"I, A. B., do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the Constitution, as one qualification for the office or place to which I am elected."

And the Governor, Lieutenant-Governor, and counsellors, shall make and subscribe the said declaration in the presence of the two Houses of Assembly; and the senators and representatives first elected under this Constitution, before the president and five of the council of the former Constitution; and, for ever afterwards, before the Governor and council for the time being.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office, under the government, shall, before he enter on the discharge of the business of his place or office, take and subscribe the following declaration and oaths, or affirmations, viz.:

"I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state; and I do swear that I will bear true faith and allegiance to the said commonwealth, and I will defend the same against traitorous conspiracies, and all hostile attempts whatsoever: and that I do renounce and abjure all allegiance, subjection, and obedience to the *king*, *queen*, or *government* of Great Britain, *as the case may be*, and every foreign power whatsoever: and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the Congress of the United States: And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial renunciation, and abjuration heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. *So help me God.*

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as————————, according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this commonwealth. *So help me God.*"

Provided always, that when any person chosen or appointed as aforesaid shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation, in the foregoing form, and subscribe the same, omitting the words, "*I do swear*," "*and abjure*," "*oath*," "*and abjuration*," in

the first oath; and in the second oath, the words "*swear and*," and in each of them the words "*so help me God;*" subjoining instead thereof, "*This I do under the pains and penalties of perjury.*"

And in the said oaths or affirmations shall be taken and subscribed by the Governor, Lieutenant-Governor, and counsellors, before the president of the Senate, in the presence of two Houses of Assembly: and by the senators and representatives first elected under this Constitution, before the president and five of the council of the former Constitution; and, for ever afterwards, before the Governor and Council for the time being; and by the residue of the officers aforesaid, before such persons as, from time to time, shall be prescribed by the legislature.

2. No Governor, Lieutenant-Governor, or judge of the supreme judicial court, shall hold any office or place under the authority of this commonwealth, except such as by this Constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace throughout the State; nor shall they hold any other place or office, or receive any pension or salary, from any other State, or Government, or power whatever.

No person shall be capable of holding or exercising, at the same time, more than one of the following offices within this State, viz.: judge of probate, sheriff, register of probate, or register of deeds: and never more than any two offices, which are to be held by appointment of the Governor, or the Governor and council, or the Senate, or the House of Representatives, or by election of the people of the State at large, or of the people of any county, (military officer and the office of justice of the peace excepted,) shall be held by one person.

No person holding the office of judge of the supreme judicial court, secretary, attorney-general, solicitor-general, treasurer, or receiver-general, judge of probate, commissary-general, president, professor, or instructor of Harvard college, sheriff, clerk of the House of Representatives, register of probate, register of deeds, clerk of the supreme judicial court, clerk of the inferior court of common pleas, or officer of the customs, (including in this description naval

officers,) shall at the same time have a seat in the Senate or House of Representatives; but, their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the Senate or House of Representatives; and the places so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council, or any counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

3. In all cases where sums of money are mentioned in this Constitution, the value thereof, shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature from time to time, to increase such qualifications, as to property, of the persons to be elected into offices, as the circumstances of the commonwealth shall require.

4. All commissions shall be in the name of the commonwealth of Massachusetts; signed by the Governor, and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

5. All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, (who is not a party,) and be signed by the clerk of such court.

6. All the laws which have heretofore been adopted, used, and approved of in the province, colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature: such parts only excepted as are repugnant to the rights and liberties contained in this Constitution.

7. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this commonwealth in the most

free easy, cheap, expeditious, and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

8. The enacting style, in making and passing all acts, statutes, and laws, shall be, "*Be it enacted by the Senate and House of Representatives, in general court assembled, and by the authority of the same.*"

9. To the end there may be no failure of justice, or danger arise to the commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of said government and people, at the time this Constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments: and all the executive and legislative officers, bodies, and powers, shall continue in full force in the enjoyment and exercise of all their trusts, employment, and authority, until the general court, and the supreme and executive officers, under this Constitution, are designated and invested with their respective trusts, powers, and authority.

10. In order more effectually to adhere to the principles of the Constitution, and correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity of expediency of revising the Constitution, in order to amendments.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts are in favor of such revision or amendment, the

general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in Convention, for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion, as their representatives in the second branch of the legislature are by this Constitution to be chosen.

11. This form of Government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land: and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

JAMES BOWDOIN, *President.*

Attest, SAMUEL BARRET, *Secretary.*

AMENDMENTS.

Article 1. If any bill or resolve shall be objected to, and not approved of by the Governor; and if the general court shall adjourn within five days after the same shall have been laid before the Governor for his approbation, and thereby prevent his returning it, with his objections, as provided by the Constitution; such bill or resolve shall not become a law, nor have force as such.

Art. 2. The general court shall have full power and authority to erect or constitute municipal or city governments in any corporate town or towns, in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the Constitution, as the general court shall deem necessary or expedient, for the regulation and Government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards, or otherwise, for the election of officers, under the Constitution, and the manner of returning the votes given at such meetings: provided, that no such Government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meet-

ing duly warned and holden for that purpose: and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Art. 3. Every male citizen of twenty-one years of age, and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of Governor, Lieutenant-Governor, senators, representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth: and also every citizen, who shall be by law exempt from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of Governor, and Lieutenant-Governor, senators, and representatives; and no other person shall be entitled to a vote in such election.

Art. 4. Notaries public shall be appointed by the Governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the Governor, with the consent of the council, and upon the address of both Houses of the legislature.

In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the Governor, with the consent of the council shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Art. 5. In the election of captains and subalterns of the militia, all the members of their respective companies, as well as those under, as those above the age of twenty-one years, shall have a right to vote.

Art. 6. Instead of the oath of allegiance, prescribed by the Constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter upon the duties of his office, to wit:

"I, A. B., do solemnly swear, that I will bear true faith and allegiance to the commonwealth of Massachusetts, and will support the Constitution thereof. So help me God."

Provided, that when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear," and inserting, instead thereof, the word "affirm," and omitting the words "so help me God," and subjoining, instead thereof, the words "this I do under the pains and penalties of perjury."

Art. 7. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the Governor, Lieutenant-Governor, counsellors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Art. 8. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (post masters excepted,) shall, at the same time, hold the office of Governor, Lieutenant-Governor, or counsellor, or have a seat in the Senate or House of Representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers afore-

said, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office, under the government of this commonwealth, the office of the justice of the peace and militia officers excepted.

Art. 9. If at any time hereafter, any specific and particular amendment, or amendments to the Constitution be proposed in the general court, and agreed to by a majority of the senators, and two-thirds of the members of the House of Representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two Houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if in the general court then next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the House of Representatives present and voting thereon; then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the Constitution of this commonwealth.

Resolved, That the above recited articles of amendment, shall be enrolled on parchment, and deposited in the secretary's office, as a part of the Constitution and fundamental laws of this commonwealth, and published in immediate connexion therewith, in all future editions of the laws of this commonwealth, printed by public authority. And in order that the said amendments may be promulgated and made known to the people of this commonwealth, without delay, it is further

Resolved, That his excellency, the Governor, be, and he hereby is authorized and requested to issue his proclamation, reciting the articles aforesaid; announcing that the same have been duly adopted and ratified by the people of this commonwealth, and become a part of the Constitution thereof; and requiring all magistrates, officers, civil and military, and all the citizens of this commonwealth, to take notice thereof, and govern themselves accordingly.'

Now, therefore, I, John Brooks, Governor of the commonwealth of Massachusetts, by virtue of the authority to me given by the resolution last above written, do issue this my proclamation, and I do hereby announce, that the several articles aforesaid have been duly ratified and adopted by the people of this commonwealth, and have become a part of the Constitution thereof. And all magistrates, officers, civil and military, and all the citizens of the commonwealth, are required to take notice thereof, and govern themselves accordingly.

Given at the council chamber, in Boston, the day and year first above written, and in the forty-fifth year of the independence of the United States.

JOHN BROOKS.

By his Excellency, the Governor,

ALDEN BRADFORD, *Secretary.*

God save the commonwealth of Massachusetts!

ARTICLE OF AMENDMENT.

ADOPTED MARCH 24, 1837, AS THE 12TH ARTICLE OF THE CONSTITUTION.

IN order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the rateable polls in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter in the month of May, in manner aforesaid; and each town or city having three hundred rateable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty rateable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred rateable polls,

shall be represented thus: the whole number of rateable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred, and such town may elect one representative as many years within ten years as three hundred is contained in the product aforesaid.

Any city or town having rateable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented as to that surplus number by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years within the ten years as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts respectively, called for that purpose and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of rateable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town, and representative district is entitled to elect, and the number of years within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then how many years within the ten years such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of rateable polls in each decennial census of polls, shall determine the number of representatives which each

city, town, and representative district may elect as aforesaid; and when the number of representatives, to be elected by each city, town, or representative district, is ascertained or determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

ARTICLE OF AMENDMENT.

ADOPTED APRIL 17, 1840, AS THE 13TH ARTICLE OF THE CONSTITUTION.

A CENSUS of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter, which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants

shall be the mean increasing number which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town.

Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns respectively, called for that purpose, and held before the first day of August in the year one thousand eight hundred and forty, and every tenth year hereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Nine counsellors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a counsellor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one counsellor shall be chosen from any one senatorial district in the commonwealth.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

CONSTITUTION OF NEW YORK.

Article 1.

Section 1. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

2. The trial by Jury, in all cases in which it has been heretofore used, shall remain inviolate forever. But a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

4. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

5. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of the militia, when in actual service; and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace; and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury, and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefitted.

8. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libellous is true, and was published with good motives, and for justi-

fiable ends, the party shall be acquitted ; and the jury shall have the right to determine the law and the fact.

9. The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

10. No law shall be passed, abridging the right of the people peaceably to assemble and to petition the government, or any department thereof, nor shall any divorce be granted, otherwise than by due judicial proceedings, nor shall any lottery hereafter be authorized or any sale of lottery tickets allowed within this State.

11. The People of this State, in their right of sovereignty, are deemed to posess the original and ultimate property in and to all lands within the jurisdiction of the State ; and all lands the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

12. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners according to the nature of their respective estates.

14. No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

15. All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

16. No purchase or contract for the sale of lands in this State, made since the fourteenth day of October, one thousand seven hundred and seventy-five ; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

17. Such parts of the common law, and of the acts of the Legislature of the colony of New-York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy

five, and the resolutions of the Congress of the said colony, and of the Convention of the State of New-York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated; and the Legislature, at its first session after the adoption of this Constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the Legislature, when called upon to do so; and the Legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners; and shall also provide for the publication of the said code, prior to its being presented to the Legislature for adoption.

18. All grants of land within this State, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority, or shall impair the obligation of any debts contracted by this State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Article 2.

Section 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this State one year next preceding any election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; but such citizen shall have been for thirty days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote. But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election shall have been seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, of larceny, or of any infamous crime; and for depriving every person who shall make, or become directly or indirectly interested in any bet or wager depending upon the result of any election, from the right to vote at such election.

3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms house, or other asylum, at public expense; nor while confined in any public prison.

4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

Article 3.

Section 1. The legislative power of this State shall be vested in a Senate and Assembly.

2. The Senate shall consist of thirty-two members, and the Senators shall be chosen for two years.

The Assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

3. The State shall be divided into thirty-two districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two inclusive.

District number one (1) shall consist of the counties of Suffolk, Richmond and Queens.

District number two (2) shall consist of the county of Kings.

Districts number three (3) number four (4) number five (5) and number six (6) shall consist of the city and county of New-York; and the board of supervisors of said city and county shall, on or before the first day of May one thousand eight hundred and forty-seven, divide the said city and county into the number of Senate Districts, to which it is entitled, as near as may be of an equal number of inhabitants, excluding aliens and persons of color not taxed, and consisting of convenient and contiguous territory; and no Assembly District shall be divided in the formation of a Senate District. The board of supervisors, when they shall have completed such division, shall cause certificates thereof, stating the number and boundaries of each district and the population thereof, to be filed in the office of the Secretary of State, and of the clerk of the said city and county.

District number seven (7) shall consist of the counties of Westchester, Putnam and Rockland.

District number eight (8) shall consist of the counties of Dutchess and Columbia.

District number nine (9) shall consist of the counties of Orange and Sullivan.

District number ten (10) shall consist of the counties of Ulster and Greene.

District number eleven (11) shall consist of the counties of Albany and Schenectady.

District number twelve (12) shall consist of the county of Rensselaer.

District number thirteen (13) shall consist of the counties of Washington and Saratoga.

District number fourteen (14) shall consist of the counties of Warren, Essex and Clinton.

District number fifteen (15) shall consist of the counties of St. Lawrence and Franklin.

District number sixteen (16) shall consist of the counties of Herkimer, Hamilton, Fulton and Montgomery.

District number seventeen (17) shall consist of the counties of Schoharie and Delaware.

District number eighteen (18) shall consist of the counties of Otsego and Chenango.

District number nineteen (19) shall consist of the county of Oneida.

District number twenty (20) shall consist of the counties of Madison and Oswego.

District number twenty-one (21) shall consist of the counties of Jefferson and Lewis.

District number twenty-two (22) shall consist of the county of Onondaga.

District number twenty-three (23) shall consist of the counties of Cortland, Broome and Tioga.

District number twenty-four (24) shall consist of the counties of Cayuga and Wayne.

District number twenty-five (25) shall consist of the counties of Tomkins, Seneca and Yates.

District number twenty-six (26) shall consist of the counties of Steuben and Chemung.

District number twenty-seven (27) shall consist of the county of Monroe.

District number twenty-eight (28) shall consist of the counties of Orleans, Genesee and Niagara.

District number twenty-nine (29) shall consist of the counties of Ontario and Livingston.

District number thirty (30) shall consist of the counties of Alleghany and Wyoming.

District number thirty-one (31) shall consist of the county of Erie.

District number thirty-two (32) shall consist of the counties of Chautauque and Cattaraugus.

4. An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature, at the first session after the return of every enumeration, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, except such county shall be equitably entitled to two or more Senators.

5. The members of Assembly shall be apportioned among the several counties of this State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and persons of color not taxed, and shall be chosen by single districts.

The several boards of supervisors in such counties of this State, as are now entitled to more than one member of Assembly, shall assemble on the first Tuesday of January next, and divide their respective counties into Assembly districts equal to the number of members of Assembly to which such counties are now severally entitled by law, and shall cause to be filed in the offices of the Secretary of State and the clerks of their respective counties, a description of such Assembly districts, specifying the number of each district and the population thereof, according to the last preceding State enumeration, as near as can be ascertained. Each Assembly district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and persons of color not taxed, and shall consist of convenient and contiguous territory; but no town shall be divided in the formation of Assembly districts.

The Legislature, at its first session after the return of every enumeration, shall re-apportion the members of Assembly among the several counties of this State, in manner aforesaid, and the boards of supervisors in such

counties as may be entitled, under such re-appointment, to more than one member, shall assemble at such time as the Legislature making such re-appointment shall prescribe, and divide such counties into Assembly districts, in the manner herein directed; and the appointment and districts so to be made, shall remain unaltered until another enumeration shall be taken under the provisions of the preceding section.

Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member.

The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member.

6. The members of the Legislature shall receive for their services a sum not exceeding three dollars a day, from the commencement of the session; but such pay shall not exceed in the aggregate three hundred dollars for per diem allowance, except in proceedings for impeachment. The limitation as to the aggregate compensation shall not take effect until the year one thousand eight hundred and forty-eight. When convened in extra session by the Governor, they shall receive three dollars per day. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The Speaker of the Assembly shall, in virtue of his office, receive an additional compensation equal to one third of his per diem allowance as a member.

7. No member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, during the term for which he shall have been elected; and all such appointments, and all votes given for any such member, for any such office or appointment shall be void.

8. No person being a member of Congress, or holding any judicial or military office under the United States, shall hold a seat in the Legislature. And if any person shall, after his election as a member of the Leg-

islature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

9. The elections of Senators and members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns, and qualifications of its own members, shall choose its own officers; and the Senate shall choose a temporary president, when the Lieutenant-Governor shall not attend as president, or shall act as Governor.

11. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

12 For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

13. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

14. The enacting clause of all bills shall be "The people of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

15. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the Legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

16. No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

17. The Legislature may confer upon the boards of supervisors of the several counties of the State, such further powers of local legislation and administration, as they shall from time to time prescribe.

Article 4.

Section 1. The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term.

2. No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office, who shall not have attained the age of thirty years, and who shall not have been five years next preceding his election, a resident within this State.

3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant Governor, the two houses of the Legislature, at its next annual session, shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Govenor, or Lieutenant Governor.

4. The Governor shall be commander-in-chief of the military and naval forces of the State. He shall have power to convene the Legislature (or the Senate only) on extraordinary occasions. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures, as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a compensation to be established by law, which shall neither be increased nor diminished after his election and during his continuance in office.

5. The Governor shall have the power to grant reprieves, commutations, and pardons after conviction, for all offences except treason and cases of impeachment. upon such conditions, and with such restrictions and li

mitations, as he may think proper, subject to such regulation as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commut tion or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

7. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be President of the Senate, but shall only have a casting vote therein. If during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor, until the vacancy be filled, or the disability shall cease.

8. The Lieutenant-Governor shall, while acting as such, receive a compensation which shall be fixed by law, and which shall not be increased or diminished during his continuance in office.

9. Every bill which shall have passed the Senate and Assembly, shall, before it becomes a law, be presented to the Governor: if he approve, he shall sign it; but if not, he shall return it with his objections to that house, in which it shall have originated; who shall enter the

objections at large on their journal and proceed to reconsider it. If after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of all the members present, it shall become a law, notwithstanding the objections of the Governor. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

Article 5.

Section 1. The Secretary of State, Comptroller, Treasurer and Attorney-General, shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named (except the Speaker of the Assembly), shall at stated times, during his continuance in office, receive for his services, a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation.

2. A State Engineer and Surveyor shall be chosen at a general election, and shall hold his office two years, but no person shall be elected to said office who is not a practical engineer.

3. Three Canal Commissioners shall be chosen at the general election which shall be held next after the adoption of this Constitution, one of whom shall hold his office for one year, one for two years, and one for three years. The Commissioners of the Canal Fund shall meet at the Capitol on the first Monday of January, next after such election, and determine by lot which of said Commissioners shall hold his office for one year, which for two, and which for three years; and there shall be

elected annually, thereafter, one Canal Commissioner, who shall hold his office for three years.

4. Three Inspectors of State Prisons, shall be elected at the general election which shall be held next after the adoption of this Constitution, one of whom shall hold his office for one year, one for two years, and one for three years. The Governor, Secretary of State, and Comptroller, shall meet at the Capitol on the first Monday of January next succeeding such election, and determine by lot which of said Inspectors shall hold his office for one year, which for two, and which for three years; and there shall be elected annually thereafter one Inspector of State Prisons, who shall hold his office for three years. Said Inspectors shall have the charge and superintendence of the State prisons, and shall appoint all the officers therein. All vacancies in the office of such Inspector shall be filled by the Governor, till the next election.

5. The Lieutenant Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, shall be the Commissioners of the Land-Office.

The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, and Attorney-General, shall be the Commissioners of the Canal Fund.

The Canal Board shall consist of the Commissioners of the Canal Fund, the State Engineer and Surveyor, and the Canal Commissioners.

6. The powers and duties of the respective boards and of the several officers in this Article mentioned, shall be such as now are or hereafter may be prescribed by law.

7. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office, during such suspension of the Treasurer.

8. All offices for the weighing, gauging measuring, culling or inspecting any merchandize, produce, manu-

facture or commodity, whatever, are hereby abolished, and no such office shall hereafter be created by law; but nothing in this section contained, shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls, or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purpose hereafter.

Article 6.

Section 1. The Assembly shall have the power of impeachment, by the vote of a majority of all the members elected. The court for the trial of impeachments, shall be composed of the President of the Senate, the Senators, or a major part of them, and the judges of the court of appeals, or a major part of them. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office after he shall have been impeached, until he shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to evidence; and no person shall be convicted, without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment, and punishment according to law.

2. There shall be a Court of Appeals, composed of eight judges, of whom four shall be elected by the electors of the State for eight years, and four selected from the class of Justices of the Supreme Court having the shortest time to serve. Provision shall be made by law, for designating one of the number elected, as chief judge, and for selecting such Justices of the Supreme Court, from time to time, and for so classifying those elected, that one shall be elected every second year.

3. There shall be a Supreme Court having general jurisdiction in law and equity.

4. The State shall be divided into eight judicial districts, of which the city of New-York shall be one; the others to be bounded by county lines and to be compact and equal in population as nearly as may be. There shall be four Justices of the Supreme Court in each district, and as many more in the district composed of the city of New-York, as may from time to time be authorized by law, but not to exceed in the whole such number in proportion to its population, as shall be in conformity with the number of such judges in the residue of the State in proportion to its population. They shall be classified so that one of the justices of each district shall go out of office at the end of every two years. After the expiration of their terms under such classification, the term of their office shall be eight years.

5. The Legislature shall have the same powers to alter and regulate the jurisdiction and proceedings in law and equity, as they have heretofore possessed.

6. Provision may be made by law for designating from time to time, one or more of the said justices, who is not a judge of the Court of Appeals, to preside at the general terms of the said Court to be held in the several districts. Any three or more of the said justices, of whom one of the said justices so designated shall always be one, may hold such general terms. And any one or more of the justices may hold special terms and circuit courts, and any one of them may preside in courts of oyer and terminer in any county.

7. The Judges of the Court of Appeals and justices of the Supreme Court shall severally receive at stated times for their services, a compensation to be established by law, which shall not be increased or diminished during their continuance in office.

8. They shall not hold any other office or public trust All votes for either of them, for any elective office (except that of Justice of the Supreme Court, or judge of the court of appeals), given by the Legislature or the people, shall be void. They shall not exercise any power of appointment to public office. Any male citizen of the age of twenty-one years, of good moral char-

acter, and who possesses the requisite qualifications of learning and ability, shall be entitled to admission to practice in all the courts of this State.

9. The classification of the Justices of the Supreme Court; the times and place of holding the terms of the court of appeals, and of the general and special terms of the Supreme Court within the several districts, and the circuit courts and courts of oyer and terminer within the several counties, shall be provided for by law.

10. The testimony in equity cases shall be taken in like manner as in cases at law.

11. Justices of the Supreme Court and judges of the Court of Appeals, may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to the Assembly, and a majority of all the members elected to the Senate, concur therein.

All judicial officers, except those mentioned in this section, and except justices of the peace, and judges and justices of inferior courts not of record may be removed by the Senate, on the recommendation of the Governor; but no removal shall be made by virtue of this section, unless the cause thereof be entered on the journals, nor unless the party complained of, shall have been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defence. On the question of removal, the ayes and noes shall be entered on the journals.

12. The judge of the Court of Appeals shall be elected by the electors of the State, and the justices of the Supreme Court by the electors of the several judicial districts, at such times as may be prescribed by law.

13. In case the office of any judge of the Court of Appeals, or justice of the Supreme Court, shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor, until it shall be supplied at the next general election of judges, when it shall be filled by election for the residue of the unexpired term.

14. There shall be elected in each of the counties of this State, except the city and county of New-York, one county judge, who shall hold his office for four years. He shall hold the county court, and perform the duties

of the office of surrogate. The county court shall have such jurisdiction in cases arising in justices' courts, and in special cases, as the Legislature may prescribe; but shall have no original civil jurisdiction, except in such special cases

The county judge, with two justices of the peace, to be designated according to law, may hold courts of sessions with such criminal jurisdiction as the Legislature shall prescribe, and perform such other duties as may be required by law.

The county judge shall receive an annual salary, to be fixed by the board of supervisors, which shall be neither increased nor diminished during his continuance in office.

The justices of the peace, for services in courts of sessions, shall be paid a per diem allowance out of the county treasury.

In counties having a population exceeding forty thousand, the Legislature may provide for the election of a separate officer to perform the duties of the office of surrogate.

The Legislature may confer equity jurisdiction in special cases upon the county judge.

Inferior local courts, of civil and criminal jurisdiction, may be established by the Legislature in cities; and such courts, except for the cities of New-York and Buffalo, shall have an uniform organization and jurisdiction in such cities.

15. The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability or a vacancy, and to exercise such other powers in special cases as may be provided by law.

16. The Legislature may reorganize the judicial districts at the first session after the return of every enumeration under this constitution, in the manner provided for in the fourth section of this article, and at no other time; and they may, at such session, increase or diminish the number of districts, but such increase or diminution shall not be more than one district at any one time. Each district shall have four justices of the Supreme

Court; but no diminution of the districts shall have the effect to remove a judge from office.

17. The electors of the several towns, shall, at their annual town meeting, and in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace and judges or justices of inferior courts not of record and their clerks may be removed after due notice and an opportunity of being heard in their defence by such county, city or state courts as may be prescribed by law, for causes to be assigned in the order of removal.

18. All judicial officers of the cities and villages, and all such judicial officers as may be created therein by law, shall be elected at such times and in such manner as the Legislature may direct.

19. Clerks of the several counties of this State shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. A clerk for the Court of Appeals, to be ex-officio clerk of the Supreme Court, and to keep his office at the seat of government, shall be chosen by the electors of the State; he shall hold his office for three years, and his compensation shall be fixed by law and paid out of the public Treasury.

20. No judicial officer, except justices of the peace, shall receive to his own use, any fees or perquisites of office.

21. The Legislature may authorize the judgments, decrees and decisions of any local inferior court of record of original civil jurisdiction, established in a city, to be removed for review directly into the Court of Appeals.

22. The Legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient. And all laws and judicial decisions shall be free for publication by any person.

23 Tribunals of conciliation may be established.

with such powers and duties as may be prescribed by law, but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference and agree to abide the judgment, or assent thereto, in the presence of such tribunal, in such cases as shall be prescribed by law.

24. The Legislature at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners, whose duty it shall be to revise, reform, simplify and abridge the rules and practice, pleadings, forms and proceedings of the courts of record of this State, and to report thereon to the Legislature, subject to their adoption and modification from time to time

25. The Legislature at its first session after the adoption of this Constitution, shall provide for the organization of the Court of Appeals, and for transferring to it the business pending in the Court for the Correction of Errors, and for the allowance of writs of error and appeals to the Court of Appeals, from the judgments and decrees of the present Court of Chancery and Supreme Court, and of the courts that may be organized under this Constitution.

Article 7.

Section 1. After paying the expenses of collection, superintendance and ordinary repairs, there shall be appropriated and set apart in each fiscal year, out of the revenues of the State canals, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of one million and three hundred thousand dollars until the first day of June, one thousand eight hundred and fifty-five, and from that time the sum of one million and seven hundred thousand dollars in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the State debt called the canal debt, as it existed at the time first aforesaid, and including three hundred thousand dollars then to be borrowed, until the same shall be wholly paid; and the principal and income of the said sinking fund shall be sacredly applied to that purpose.

2. After complying with the provisions of the first section of this article, there shall be appropriated and set apart out of the surplus revenues of the State canals, in each fiscal year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of three hundred and fifty thousand dollars, until the time when a sufficient sum shall have been appropriated and set apart, under the said first section, to pay the interest and extinguish the entire principal of the canal debt; and after that period, then the sum of one million and five hundred thousand dollars in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the State debt called the General Fund Debt, including the debt for loans of the State credit to rail road companies which have failed to pay the interest thereon, and also the contingent debt on State stocks loaned to incorporated companies which have hitherto paid the interest thereon, whenever and as far as any part thereof may become a charge on the Treasury or General Fund, until the same shall be wholly paid; and the principal and income of the said last mentioned sinking fund shall be sacredly applied to the purpose aforesaid; and if the payment of any part of the moneys to the said sinking fund shall at any time be deferred, by reason of the priority recognized in the first section of this article, the sum so deferred, with quarterly interest thereon, at the then current rate, shall be paid to the last mentioned sinking fund, as soon as it can be done consistently with the just rights of the creditors holding said canal debt.

3. After paying the said expenses of superintendance and repairs of the canals, and the sums appropriated by the first and second sections of this Article, there shall be paid out of the surplus revenues of the canals, to the Treasury of the State, on or before the thirtieth day of September, in each year, for the use and benefit of the General Fund, such sum, not exceeding two hundred thousand dollars, as may be required to defray the necessary expenses of the State; and the remainder of the revenues of the said canals shall, in each fiscal year, be applied, in such manner as the Legislature shall direct, to the completion of the Erie Canal enlargement,

and the Genesee Valley and Black River canals, until the said canals shall be completed.

If at any time after the period of eight years from the adoption of this Constitution, the revenues of the State, unappropriated by this article, shall not be sufficient to defray the necessary expenses of the government, without continuing or laying a direct tax, the Legislature may, at its discretion, supply the deficiency, in whole or in part, from the surplus revenues of the canals, after complying with the provisions of the first two sections of this article, for paying the interest and extinguishing the principal of the Canal and General Fund Debt; but the sum thus appropriated from the surplus revenues of the canals shall not exceed annually three hundred and fifty thousand dollars, including the sum of two hundred thousand dollars, provided for by this section for the expenses of the government, until the General Fund Debt shall be extinguished, or until the Erie Canal enlargement and Genesee Valley and Black River Canals shall be completed, and after that debt shall be paid, or the said canals shall be completed, then the sum of six hundred and seventy-two thousand five hundred dollars, or so much thereof as shall be necessary, may be annually appropriated to defray the expenses of the government.

4. The claims of the State against any incorporated company to pay the interest and redeem the principal of the stock of the State loaned or advanced to such company, shall be fairly enforced, and not released or compromised; and the moneys arising from such claims shall be set apart and applied as part of the sinking fund provided in the second section of this article. But the time limited for the fulfilment of any condition of any release or compromise heretofore made or provided for, may be extended by law.

5. If the sinking funds, or either of them, provided in this article, shall prove insufficient to enable the State, on the credit of such fund, to procure the means to satisfy the claims of the creditors of the State as they become payable, the Legislature shall, by equitable taxes, so increase the revenues of the said funds as to make them, respectively, sufficient perfectly to preserve the public faith. Every contribution or advance to the canals, or

their debt, from any source, other than their direct revenues, shall, with quarterly interest, at the rates then current, be repaid into the Treasury, for the use of the State, out of the canal revenues, as soon as it can be done consistently with the just rights of the creditors holding the said canal debt.

6. The Legislature shall not sell, lease, or otherwise dispose of any of the canals of the State; but they shall remain the property of the State and under its management, forever.

7. The Legislature shall never sell or dispose of the salt springs belonging to this State. The lands contiguous thereto and which may be necessary and convenient for the use of the salt springs, may be sold by authority of law and under the direction of the commissioners of the land office, for the purpose of investing the moneys arising therefrom in other lands alike convenient; but by such sale and purchase the aggregate quantity of these lands shall not be diminished.

8. No moneys shall ever be paid out of the Treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

9. The credit of the State shall not, in any manner, be given or loaned to, or in aid of any individual association or corporation.

10. The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time, exceed one million of dollars; and the moneys arising from the loans creating such debts, shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever.

11. In addition to the above limited power to contract debts, the State may contract debts to repel invasion,

suppress insurrection, or defend the State in war; bu the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

12. Except the debts specified in the tenth and eleventh sections of this article, no debt shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof.

No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it, at such election.

On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass and ought the same to receive the sanction of the people?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision herein before specified to pay and discharge the interest and principal of such debt and liability.

The money arising from any loan or stock creating such debt or liability, shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever.

No such law shall be submitted to be voted on, within

three months after its passage, or at any general election, when any other law, or any bill, or any amendment to the Constitution, shall be submitted to be voted for or against.

13. Every law which imposes, continues or revives a tax, shall distinctly state the tax and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

14. On the final passage, in either house of the Legislature, of every act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the state, the question shall be taken by ayes and noes, which shall be duly entered on the journals, and three-fifths of all the members elected to either house, shall, in all such cases, be necessary to constitute a quorum therein.

Article 8.

Section 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section, may be altered from time to time or repealed.

2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

3. The term corporations as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

4. The Legislature shall have no power to pass any act granting any special charter for banking purposes, but corporations or associations may be formed for such purposes under general laws.

5. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

6. The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie

7. The stockholders in every corporation and joint-stock association for banking purposes, issuing bank notes or any kind of paper credits to circulate as money, after the first day of January, one thousand eight hundred and fifty, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind, contracted after the said first day of January, one thousand eight hundred and fifty.

8. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

9. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

Article 9

Section 1. The capital of the Common School Fund; the capital of the Literature Fund; and the capital of the United States Deposite Fund, shall be respectively preserved inviolate. The revenue of the said Common School Fund shall be applied to the support of common schools; the revenues of the said Literature Fund shall be applied to the support of academies, and the sum of twenty-five thousand dollars of the revenues of the United States Deposite Fund shall each year be appropriated to and made a part of the capital of the said Common School Fund.

Article 10.

Section 1. Sheriffs, clerks of counties, including the register and clerk of the city and county of New-York, coroners, and district attorneys, shall be chosen, by the electors of the respective counties, once in every three years and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law, to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff.

The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence.

2. All county officers whose election or appointment is not provided for, by this Constitution, shall be elected by the electors of the respective counties, or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people or appointed, as the Legislature may direct.

3. When the duration of any office. is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held, during the pleasure of the authority making the appointment.

4. The time of electing all officers named in this article shall be prescribed by law.

5. The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue

of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

6. The political year and legislative term, shall begin on the first day of January; and the Legislature shall every year assemble on the first Tuesday in January, unless a different day shall be appointed by law.

7. Provisions shall be made by law for the removal for misconduct or malversation in office of all officers (except judicial) whose powers and duties are not local or legislative, and who shall be elected at general elections, and also for supplying vacancies created by such removal.

8. The Legislature may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this Constitution.

Article 11.

Section 1. The militia of this State, shall at all times hereafter, be armed and disciplined, and in readiness for service; but all such inhabitants of this State of any religious denomination whatever as from scruples of conscience may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

2. Militia officers shall be chosen, or appointed, as follows:—captains, subalterns and non-commissioned officers shall be chosen by the written votes of the members of their respective companies. Field officers of regiments and separate battalions, by the written votes of the commissioned officers of the respective regiments and separate battalions; brigadier-generals and brigade inspectors by the field officers of their respective brigades; major generals, brigadier generals and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments or separate battalions.

3. The Governor shall nominate, and with the consent of the Senate, appoint all major generals, and the commissary general. The adjutant general and other chiefs of staff departments, and the aids-de-camp of the commander-in-chief shall be appointed by the Governor, and

their commissions shall expire with the time for which the Governor shall have been elected. The commissary general shall hold his office for two years. He shall give security for the faithful execution of the duties of his office, in such manner and amount as shall be prescribed by law.

4. The Legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the Governor.

5. The commissioned officers of the militia shall be commissioned by the Governor; and no commissioned officer shall be removed from office, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law. The present officers of the militia shall hold their commissions subject to removal, as before provided.

6. In case the mode of election and appointment of militia officers hereby directed, shall not be found conducive to the improvement of the militia, the Legislature may abolish the same, and provide by law for their appointment and removal, if two-thirds of the members present in each house shall concur therein.

Article 12.

Section 1. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of New-York; and that I will faithfully discharge the duties of the office of according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Article 13.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice, and if in the Legislature so next chosen, as aforesaid such proposed amendment or amendments, shall be agreed to, by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments shall become part of the Constitution.

2. At the general election to be held in the year eighteen hundred and sixty-six, and in each twentieth year thereafter, and also at such time as the Legislature may by law provide, the question, "Shall there be a Convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a Convention for such purpose, the Legislature at its next session, shall provide by law for the election of delegates to such Convention.

Article 14.

Section 1. The first election of Senators and members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-seven.

The Senators and members of Assembly who may be in office on the first day of January, one thousand eight hundred and forty-seven, shall hold their offices until and including the thirty-first day of December following, and no longer.

2. The first election of Governor and Lieutenant-Governor under this Constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-eight; and the Governor and Lieutenant-Governor in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December of that year.

3. The Secretary of State, Comptroller, Treasurer, Attorney-General, District-Attorney, Surveyor-General, Canal Commissioners, and inspectors of State prisons, in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December, one thousand eight hundred and forty-seven, and no longer.

4. The first election of judges and clerk of the Court of Appeals, justices of the Supreme Court, and county judges, shall take place at such time between the first Tuesday of April and the second Tuesday of June, one thousand eight hundred and forty-seven, as may be prescribed by law. The said courts shall respectively enter upon their duties, on the first Monday of July, next thereafter; but the term of office of said judges, clerk and justices as declared by this Constitution, shall be deemed to commence on the first day of January, one thousand eight hundred and forty-eight.

5. On the first Monday of July, one thousand eight hundred and forty-seven, jurisdiction of all suits and proceedings then pending in the present Supreme Court and Court of Chancery, and all suits and proceedings originally commenced and then pending in any court of common pleas, (except in the city and county of New-York), shall become vested in the Supreme Court hereby established. Proceedings pending in courts of common pleas and in suits originally commenced in justices courts shall be transferred to the county courts provided for in

this Constitution, in such manner and form and under such regulation, as shall be provided by law. The courts of oyer and terminer hereby established shall, in their respective counties, have jurisdiction, on and after the day last mentioned, of all indictments and proceedings then pending in the present courts of oyer and terminer, and also of all indictments and proceedings then pending in the present courts of general sessions of the peace, except in the city of New-York, and except in cases of which the courts of sessions hereby established may lawfully take cognisance; and of such indictments and proceedings the courts of sessions hereby established shall have jurisdiction on and after the day last mentioned.

6. The Chancellor and the present Supreme Court shall, respectively, have power to hear and determine any of such suits and proceedings ready on the first Monday of July, one thousand eight hundred and forty-seven, for hearing or decision, and shall, for their services therein, be entitled to their present rates of compensation until the first day of July, one thousand eight hundred and forty-eight, or until all such suits and proceedings shall be sooner heard and determined. Masters in Chancery may continue to exercise the functions of their office in the court of chancery, so long as the Chancellor shall continue to exercise the functions of his office under the provisions of this Constitution.

And the Supreme Court hereby established shall also have power to hear and determime such of said suits and proceedings as may be prescribed by law.

7. In case any vacancy shall occur in the office of chancellor or justice of the present Supreme Court, previously to the first day of July, one thousand eight hundred and forty-eight, the Governor may nominate, and by and with the advice and consent of the Senate, appoint a proper person to fill such vacancy. Any judge of the Court of Appeals or justice of the Supreme Court, elected under this Constitution, may receive and hold such appointment.

8. The offices of Chancellor, justice of the existing Supreme Court, circuit judge, vice-chancellor, assistant

vice-chancellor, judge of the existing county courts of each county, Supreme Court commissioner, master in chancery, examiner in chancery, and surrogate, (except as herein otherwise provided,) are abolished from and after the first Monday of July, one thousand eight hundred and forty-seven, (1847.)

9. The Chancellor, the justices of the present Supreme Court, and the circuit judges, are hereby declared to be severally eligible to any office at the first election under this Constitution.

10. Sheriffs, clerks of counties, (including the register and clerk of the city and county of New-York) and justices of the peace, and coroners, in office, when this Constitution shall take effect, shall hold their respective offices until the expiration of the term for which they were respectively elected.

11. Judicial officers in office when this Constitution shall take effect may continue to receive such fees and perquisites of office as are now authorized by law, until the first day of July, one thousand eight hundred and forty-seven, notwithstanding the provisions of the twentieth section of the sixth article of this Constitution.

12. All local courts established in any city or village, including the superior court, common pleas, sessions and surrogate's courts of the city and county of New York, shall remain, until otherwise directed by the Legislature, with their present powers and jurisdictions; and the judges of such courts and any clerks thereof in office on the first day of January one thousand eight hundred and forty-seven, shall continue in office until the expiration of their terms of office, or until the Legislature shall otherwise direct.

13. This Constitution shall be in force from and including the first day of January, one thousand eight hundred and forty-seven, except as is herein otherwise provided.

DONE, In Convention, at the Capitol, in the city of Albany, the ninth day of October, in the year one thousand eight hundred and forty-six, and of the Independence of the United States of America the seventy-first.

In witness whereof we have hereunto subscribed our names.

JOHN TRACY, President,
And Delegate from the County of Chenango

JAMES F. STARBUCK,
H. W. STRONG,
FR. SEGER,
} *Secretaries.*

STATE OF NEW-YORK,
Secretary's Office.

I have compared the preceding with the original engrossed Constitution deposited in this office on the ninth day of October, 1846, and Do Certify, that the same is a correct transcript therefrom, and of the whole of said original.

L. S. Given under my hand and seal of office at the City of Albany, the tenth day of October, in the year of our Lord one thousand eight hundred and forty-six.

N. S. BENTON,
Secretary of State.

CONSTITUTION OF NEW JERSEY.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and

transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.

Article 1.

Rights and Privileges.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people.

Government is instituted for the protection, security and benefit of the people, and they have the right, at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience, nor under any pretence, whatever, be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintainance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another. No religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press.

In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for jus-

tifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

7. The right of trial by jury, shall remain inviolate; but the Legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

9. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

10. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

14. Treason against the State, shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be con-

victed of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore, until the Legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine, in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

Article 2.

Right of Suffrage.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; provided, that no person in the military, naval, or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The Legislature may pass laws to deprive persons of the right of suffrage, who shall be convicted of bribery at elections.

Article 3.

Distribution of the Powers of Government.

1. The powers of the government shall be divided into three distinct departments,—the Legislative, Executive, and Judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

Article 4.

Legislative.

Sec. I.—1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate, who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the State for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State for two years, and of the county for which he shall be chosen one year, next before his election; provided, that no person shall be eligible as a member of either house of the Legislature, who shall not be entitled to the right of suffrage.

3. Members of the Senate and General Assembly shall be elected yearly, and every year, on the second Tuesday of October; and the two houses shall meet seperately on the second Tuesday in January next, after the said day of election, at which time of meeting, the legislative year shall commence; but the time of holding such election may be altered by the Legislature.

Sec. II.—1. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the Senate shall meet, after the first election to be held in pursuance of this Constitution, they shall be divided, as equally as may be, into three classes The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second

class, at the expiration of the second year; and of the third class, at the expiration of the third year; so that one class may be elected every year; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies, shall be elected for the unexpired terms only.

SEC. III—1. The General Assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties, as nearly as may be, according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the General Assembly shall be made by the Legislature, at its first session after the next and every subsequent enumeration or census, and when made, shall remain unaltered until another enumeration shall have been taken; provided, that each county shall at all times be entitled to one member; and the whole number of members shall never exceed sixty.

SEC. IV.—1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the Legislature, the writs may be issued by the Governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceeding, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof, and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present, and agreeing thereto; and the yeas and nays of members voting on such final passage shall be entered on the journal.

7. Members of the Senate and General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the State; which compensation shall not exceed the sum of three dollars per day, for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra session by the Governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly, shall, in virtue of their offices, receive an additional compensation, equal to one third of their per diem allowance as members.

8. Members of the Senate and of the General Assembly, shall, in all cases except treason, felony, and breach of peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same: and for any speech or debate, in either house, they shall not be questioned in any other place.

SEC. V.—1. No member of the Senate or General Assembly shall, during the time for which he was elected, be nominated or appointed by the Governor, or by the Legislature in joint meeting, to any civil office under the authority of this State which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the Senate or General Assembly shall be elected to represent this State in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the Legislature of this State shall thereby be vacated.

3. No justice of the Supreme Court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this State, shall be entitled to a seat either in the Senate or in the General Assembly ; but, on being elected and taking his seat, his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

SEC. VI.—1. All bills for raising revenue shall originate in the House of Assembly ; but the Senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury, but for appropriations made by law.

3. The credit of the State shall not be directly or indirectly loaned in any case.

4. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the State, which shall singly, or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein : which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also, to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged ; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election ; and all money to be raised by the authority of such law shall be

applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be deposited with this State, by the government of the United States.

SEC. VII.—1. No divorce shall be granted by the Legislature.

2. No lottery shall be authorized by this State; and no tickets in any lottery not authorized by a law of this State, shall be bought or sold within the State.

3. The Legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract, which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

5. The laws of this state shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the State; and it shall not be competent for the Legislature to borrow, appropriate, or use the said fund, or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed, authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves.

8 The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or re-

newing charters for banks, or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals, or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The Legislature may vest in the Circuit Courts, or Courts of Common Pleas, within the several counties of this State, Chancery powers, so far as relates to the foreclosure of mortgages, and sale of mortgaged premises.

SEC. VIII.—1. Members of the Legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the General Assembly, as the case may be,) according to the best of my ability."

And members elect of the Senate or General Assembly, are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE 5.

Executive.

1. The executive power shall be vested in a Governor.

2. The Governor shall be elected by the legal voters of the State. The person having the highest number of votes shall be the Governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen Governor by the votes of the majority of the members of both houses in joint meeting. Contested elections for the office of Governor shall be determined in such manner as the Legislature shall direct by law. When a Governor is to be elected by the people, such election shall be held at the time when, and at the places where the people shall respectively vote for members of the Legislature.

3. The Governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for Governor by the people, and to end

on the Monday preceding the third Tuesday of January, three years thereafter; and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointment or nomination to office shall be made by the Governor during the last week of his said term.

4. The Governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time, on the public business of the United States, or of this State.

5. The Governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the State; he shall have power to convene the Legislature, whenever, in his opinion, public necessity requires it; he shall communicate, by message, to the Legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the State, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the State, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses, shall be presented to the Governor: if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it; if, after such re-consideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by whom it shall likewise be re-considered, and if approved of by a majority of the whole number of that house, it shall become a law; but in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases the votes of both houses shall be determined by yeas

and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return, in which case it shall not be a law.

8. No member of Congress, or person holding an office under the United States, or this State, shall exercise the office of Governor; and in case the Governor, or person administering the government, shall accept any office under the United States, or this State, his office of Governor shall thereupon be vacant.

9. The Governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The Governor, or person administering the government, the Chancellor, and the six judges of the Court of Errors and Appeals, or a major part of them, of whom the Governor, or person administering the government shall be one, may remit fines and forfeitures, and grant pardons after conviction, in all cases except impeachment.

11. The Governor, and all other civil officers under this State shall be liable to impeachment for misdemeanor in office, during their continuance in office, and for two years thereafter.

12. In case of the death, resignation, or removal from office of the Governor, the powers, duties, and emoluments of the office shall devolve upon the President of the Senate; and in case of his death, resignation, or removal, then upon the Speaker of the House of Assembly, for the time being, until another Governor shall be elected and qualified; but in such case, another Governor shall be chosen at the next election for members of the State Legislature, unless death, resignation, or removal shall occur within thirty days immediately preceding such

next election, in which case a Governor shall be chosen at the second succeeding election for members of the Legislature. When a vacancy happens, during the recess of the Legislature, in any office which is to be filled by the Governor and Senate, or by the Legislature in joint meeting, the Governor shall fill such vacancy, and the commission shall expire at the end of the next session of the Legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county, the Governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

13. In case of the impeachment of the Governor, his absence from the State, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the President of the Senate; and in case of his death, resignation, or removal, then upon the Speaker of the House of Assembly for the time being, until the Governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new Governor be elected and qualified.

14. In case of a vacancy in the office of Governor, from any other cause than those herein enumerated, or in case of the death of the Governor elect, before he is qualified into office, the powers, duties, and emoluments of the office shall devolve upon the President of the Senate, or Speaker of the House of Assembly, as above provided for, until a new Governor be elected and qualified.

ARTICLE VI.

Judiciary.

SEC. I.—1. The judicial power shall be vested in a Court of Errors and Appeals, in the last resort in all causes, as heretofore; a Court for the trial of Impeachments; a Court of Chancery; a Prerogative Court; a Supreme Court; Circuit Courts, and such inferior Courts as now exist, and as may be hereafter ordained and established by law; which inferior Courts the Legislature may alter or abolish, as the public good shall require.

SEC. II.—1. The Court of Errors and Appeals shall

consist of the Chancellor, the justice of the Supreme Court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the Court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the Court shall receive, respectively, a per diem compensation, to be provided by law.

4. The Secretary of State shall be the clerk of this Court.

5. When an appeal from an order or decree shall be heard, the Chancellor shall inform the Court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause, in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

SEC. III.—1. The House of Assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the Senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence:" and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment, in cases of impeachment shall not extend farther than to removal from office and to disqualification to hold and enjoy any office of honor, profit, or trust under this State; but the party convicted shall nevertheless be liable to indictment, trial, and punishment, according to law.

4. The Secretary of State shall be the clerk of this Court

SEC. IV.—1. The Court of Chancery shall consist of a Chancellor.

2. The Chancellor shall be the ordinary, or surrogate general, and judge of the Prerogative Court.

3. All persons aggrieved by any order, sentence, or decree of the Orphans' Court may appeal from the same, or from any part thereof, to the Prerogative Court; but such order, sentence, or decree shall not be removed into the Supreme Court, or Circuit Court, if the subject matter thereof be within the jurisdiction of the Orphans' Court.

4. The Secretary of State shall be the register of the Prerogative Court, and shall perform the duties required of him by law in that respect.

SEC. V.—1. The Supreme Court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.

2. The Circuit Courts shall be held in every county of this State, by one or more of the justices of the Supreme Court, or a judge appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction concurrent with the Supreme Court; and any final judgment of a Circuit Court may be docketed in the Supreme Court, and shall operate as a judgment obtained in the Supreme Court, from the time of such docketing.

3. Final judgments in any Circuit Court may be brought, by writ of error, into the Supreme Court, or directly into the Court of Errors and Appeals.

SEC. VI.—1. There shall be no more than five judges of the inferior Court of Common Pleas in each of the counties in this State after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said Court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said Court shall bear date and take effect on the first day of April in every successive year, except

commissions to fill vacancies, which shall bear date and take effect when issued.

SEC. VII.—1. There may be elected under this Constitution two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants, or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices; provided, that whenever any township, not voting in wards, contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the State and of the several wards shall be ascertained by the last preceding census of the United States, until the Legislature shall provide by law some other mode of ascertaining it.

ARTICLE VII.

Appointing Power and Tenure of Office.

SEC. I.—MILITIA OFFICERS.—1. The Legislature shall provide by law for enrolling, organizing, and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battallions, and squadrons shall be elected by the commissioned officers of their respective regiments, battallions, or squadrons.

4. Brigadier generals shall be elected by the field officers of their respective brigades.

5. Major generals shall be nominated by the Governor, and appointed by him, with the advice and consent of the Senate.

6. The Legislature shall provide by law, the time and manner of electing militia officers, and of certifying their elections to the Governor, who shall grant their commis-

sions and determine their rank, when not determined by law: and no commissioned officer shall be removed from office but by the sentence a court martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers, should refuse or neglect to make such elections, the Governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The Governor shall appoint the adjutant general, quarter master general, and all other militia officers whose appointment is not otherwise provided for in this Constitution.

10. Major generals, brigadier generals, and commanding officers of regiments, independent battallions, and squadrons shall appoint the staff officers of their divisions, brigades, regiments, independent battallions, and squadrons, respectively.

SEC. II.—CIVIL OFFICERS.—1. Justices of the Supreme Court, Chancellor, and judges of the Court of Errors and Appeals, shall be nominated by the Governor, and appointed by him, with the advice and consent of the Senate.—The justices of the Supreme Court and Chancellor shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation, which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this State, or of the United States.

2. Judges of the Courts of Common Pleas shall be appointed by the Senate and General Assembly, in joint meeting. They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The State Treasurer and the keeper and inspectors of the State prison shall be appointed by the Senate and General Assembly, in joint meeting. They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The Attorney General, prosecutors of the Pleas,

clerk of the Supreme Court, clerk of the Court of Chancery, and Secretary of State, shall be nominated by the Governor, and appointed by him, with the advice and consent of the Senate. They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the Supreme Court, or a majority of them; and the chancery reporter shall be appointed by the Chancellor. They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly, they shall hold their offices for five years.

7. Sheriffs and coroners shall be elected annually, by the people of their respective counties, at the annual elections for members of the General Assembly.—They may be re-elected until they shall have served three years, but no longer; after which, three years must elapse before they can be again capable of serving.

8. Justices of the peace shall be elected, by ballot, at the annual meetings of the townships in the several counties of the State, and of the wards in cities that may vote in wards, in such manner, and under such regulations as may be hereafter provided by law. They shall be commissioned for the county, and their commissions shall bear date, and take effect on the first day of May next after their election. They shall hold their offices for five years;—but when elected to fill vacancies, they shall hold for the unexpired term only; provided, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected. The first election for justices of the peace shall take place at the next annual town meetings of the townships of the several counties of the State, and of the wards in cities that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the Governor, and appointed by him, with the advice and consent of the Senate; and shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed pursuant to

the provisions of this Constitution shall be commissioned by the Governor.

11. The term of office of all officers elected or appointed pursuant to the provisions of this Constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office

Article VIII.

General Provision.

1. The Secretary of State shall be ex-officio an auditor of the accounts of the Treasurer, and, as such, it shall be his duty to assist the Legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the State shall be kept by the Governor, or person administering the government, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the Governor or person administering the government, and countersigned by the Secretary of State, and shall run thus: "The State of New Jersey to————, greeting." All writs shall be in the name of the State; and all indictments shall conclude in the following manner, viz.: "against the peace of this State, the government and dignity of the same."

4. This Constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

Article IX.

Amendments.

1. Any specific amendment or amendments to the Constitution may be proposed in the Senate or General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken there-

on, and referred to the Legislature then next to be chosen, and shall be published, for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the Legislature next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid, by the two Legislatures to the people, in such manner and at such time, at least four months after the adjournment of the Legislature as the Legislature shall prescribe: and if the people, at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments, so approved and ratified, shall become part of the Constitution; provided, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the Legislature oftener than once in five years.

Article X.

Schedule.

That no inconvenience may arise from the change in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature; and all writs, actions, causes of action, prosecutions, contracts, claims, and rights of individuals, and of bodies corporate, and of the State, and all charters of incorporation shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offence

committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this Constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this Constitution it is otherwise directed.

3. The present Governor, Chancellor, and Ordinary or Surrogate General, and Treasurer, shall continue in office until successors elected or appointed under this Constitution shall be sworn into office.

4. In case of the death, resignation, or disability of the present Governor, the person who may be Vice President of Council at the time of the adoption of this constitution shall continue in office, and administer the government, until a Governor shall have been elected and sworn or affirmed into office under this Constitution.

5. The present Governor, or in case of his death, or inability to act, the Vice President of Council, together with the present members of the Legislative Council and Secretary of State shall constitute a board of State canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for Governor, members of the House of Representatives, and electors of President and Vice President.

6. The returns of the votes for Governor, at the said next ensuing election shall be transmitted to the Secretary of State, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of President and Vice President.

7. The election of clerks and surrogates in those counties where the term of office of the present incumbents shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this Con-

stitution ; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the Governor to fill all vacancies in office happening between the adoption of this Constitution and the first session of the Senate, and not otherwise provided for; and the commissions shall expire at the end of the first session of the Senate, or when successors shall be elected, or appointed and qualified.

10. The restriction of the pay of members of the Legislature, after forty days from the commencement of the session, shall not be applied to the first Legislature convened under this Constitution.

11. Clerks of counties shall be clerks of the inferior Courts of Common Pleas and Quarter-Sessions of the several counties, and perform the duties, and be subject to the regulations, now required of them by law, until otherwise ordained by the Legislature.

12. The Legislature shall pass all laws necessary to carry into effect the provisions of this Constitution.

Done in convention at the State House, in Trenton, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the Independence of the United States of America the sixty-eighth. ALEXANDER WURTS,

President of the Convention.

William Patterson, *Secretary.*

Th. J. Saunders, *Assistant Secretary.*

CONSTITUTION OF PENNSYLVANIA.

Article 1.

Sec. 1. The legislative power of this commonwealth shall be vested in a general Assembly, which shall consist in a Senate, and House of Representatives.

2. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

3. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding his election, and the last year thereof an inhabitant of the district in and for which he shall be chosen a representative, unless he shall have been absent on the public business of the United States or of this State.

4. Within three years after the first meeting of the general Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each: and shall never be less than sixty nor greater than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established.

5. The senators shall be chosen for three years by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

7. The senators shall be chosen in districts, to be so formed by the legislature; but no district shall be so formed as to entitle it to elect more than two senators, unless the number of taxable inhabitants in any city or county shall, at

any time, be such as to entitle it to elect more than two but no city or county shall be entitled to elect more than four senators; when a district shall be composed of two or more counties, they shall be adjoining; neither the city of Philadelphia nor any county shall be divided in forming a district.

8. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State; and no person elected as aforesaid shall hold said office after he shall have removed from such district.

9. The senators who may be elected at the first general election after the adoption of the amendments to the Constitution, shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that thereafter one-third of the whole number of senators may be chosen every year. The senators elected before the amendments to the Constitution shall be adopted shall hold their offices during the terms for which they shall respectively have been elected.

10. The general Assembly shall meet on the first Tuesday of January, in every year, unless sooner convened by the governor.

11. Each House shall choose its speaker and other officers; and the Senate shall also choose a speaker pro tempore, when the speaker shall exercise the office of Governor.

12. Each House shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent

members, in such manner and under such penalties as may be provided.

13. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free State.

14. The legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this commonwealth are, or hereafter may be, empowered to decree a divorce.

15. Each House shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy: and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

16. The doors of each House and of committees of the whole shall be open, unless when the business shall be such as ought to be kept secret.

17. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

18. The senators and representatives shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the commonwealth. They shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same. And for any speech or debate in either House, they shall not be questioned in any other place.

19. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth which shall have been created, or the emoluments of which shall have been increased during such time; and no member of Congress or other person holding any office, (except of attorney at law and in the militia) under the United States or this commonwealth, shall be a member of either House during his continuance in Congress or in office

20. When vacancies happen in either House, the speaker shall issue writs of election to fill such vacancies.

21. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

22. No money shall be drawn from the treasury but in consequence of appropriations made by law.

23. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve, he shall sign it, but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise it shall be reconsidered, and if approved by two-thirds of that House, it shall be a law. But in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general Assembly, by their adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after their next meeting.

24. Every order, resolution or vote, to which the concurrence of both Houses may be necessary (except on a question of adjournment) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

25. No corporate body shall be hereafter created, renewed or extended with banking or discounting privileges, without six months' previous public notice of the intended application for the same in such manner as shall be prescribed by law. Nor shall any charter for the purposes aforesaid, be granted for a longer period than twenty years, and every such charter shall contain a clause re-

serving to the legislature the power to alter, revoke or annul the same, whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted, shall create, renew, or extend the charter of more than one corporation.

Article 2.

Sec. 1. The supreme executive power of this commonwealth shall be vested in a Governor.

2. The Governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the Senate, who shall open and publish them in the presence of the members of both Houses of the legislature. The person having the highest number of votes shall be Governor. But if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee to be selected from both Houses of the legislature, and formed and regulated in such manner as shall be directed by law.

3. The Governor shall hold his office during three years from the third Tuesday of January next ensuing his election, and shall not be capable of holding it longer than six in any term of nine years.

4. He shall be at least thirty years of age, and have been a citizen and an inhabitant of this State seven years next before his election; unless he shall have been absent on the public business of the United States, or of this State.

5. No member of Congress or person holding any office under the United States, or this State, shall exercise the office of Governor.

6. The Governor shall at stated times receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

7. He shall be commander-in-chief of the Army and Navy of this commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

8. He shall appoint a secretary of the commonwealth during pleasure, and he shall nominate, and by and with the advice and consent of the Senate, appoint all judicial officers of courts of record, unless otherwise provided for in this Constitution. He shall have power to fill all vacancies that may happen in such judicial offices during the recess of the Senate, by granting commissions which shall expire at the end of their next session: Provided, that in acting on executive nominations the Senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays.

9. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

10. He may require information in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

11. He shall, from time to time, give to the general Assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

12. He may, on extraordinary occasions, convene the general Assembly; and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

13. He shall take care that the laws be faithfully executed.

14. In case of the death or resignation of the Governor, or his removal from office, the speaker of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified; but in such case another Governor shall be chosen at the next annual election of representatives, unless such death, resignation, or removal, shall occur within three calendar months immediately preceding such next annual election, in which case a Governor

shall be chosen at the second succeeding annual election of representatives. And if the trial of a contested election shall continue longer than until the third Monday of January next ensuing the election of Governor, the Governor of the last year, or the speaker of the Senate who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified as aforesaid.

15. The secretary of the commonwealth shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be enjoined him by law.

Article 3.

Sec. 1. In elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote, ten days immediately preceding such election, and within two years paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the State six months: Provided, that white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in the State one year, and in the election district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

3. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

Article 4.

Sec. 1. The House of Representatives shall have the sole power of impeaching.

2. All impeachments shall be tried by the Senate: when sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted, without the concurrence of two-thirds of the members present.

3. The Governor, and all other civil officers under this commonwealth, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this commonwealth: the party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

Article 5.

Sec. 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace, for each county; in justices of the peace, and in such other courts as the legislature may, from time to time establish.

2. The judges of the supreme court, of the several courts of common pleas, and of such other courts of record as are or shall be established by law, shall be nominated by the Governor, and by and with the consent of the Senate appointed and commissioned by him. The judges of the supreme court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well. The president judges of the several courts of common pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well. The associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause, which shall not be sufficient

ground of impeachment, the Governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall at stated times receive for their services an adequate compensation to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

3. Until otherwise directed by law, the courts of common pleas shall continue as at present established. Not more than five counties shall at any time be included in one judicial district organized for said courts.

4. The jurisdiction of the supreme court shall extend over the State; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, in the several counties.

5. The judges of the court of common pleas, in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein; any two of said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer, or jail delivery, in any county, when the judges of the supreme court, or any of them shall be sitting in the same county The party accused, as well as the commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

6. The supreme court, and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the State, and the care of the persons and estates of those who are non compotes mentis. And the legislature shall vest in the said courts such other powers to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers or vest them in such other courts as they shall judge proper, for the due ministration of justice.

7. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

8. The judges of the courts of common pleas shall, within their respective counties, have like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

9. The president of the court in each circuit within such circuit, and the judges of the court of common pleas within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

10. A register's office, for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

11. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, "against the peace and dignity of the same."

Article 6.

Sec. 1. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

2. The freemen of this commonwealth shall be armed, organized, and disciplined for its defence, when and in such manner as may be directed by law. Those who

conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

3. Prothonotaries of the supreme court shall be appointed by the said court for the term of three years, if they so long behave themselves well. Prothonotaries and clerks of the several other courts, recorders of deeds, and registers of wills, shall at the times and places of election of representatives, be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The legislature shall provide by law the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointments to be made by the Governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid.

4. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they, respectively, shall be officers, unless when the Governor shall, for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

5. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the Governor.

6. A state treasurer shall be elected annually, by joint vote of both branches of the legislature.

7. Justices of the peace or aldermen, shall be elected in the several wards, boroughs and townships, at the time of the election of constables by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the Governor for a term of five years. But no township, ward or borough, shall elect more than two justices of the peace or aldermen without the consent

of a majority of the qualified electors within such township, ward or borough.

8. All officers whose election or appointment is not provided for in this constitution, shall be elected or appointed as shall be directed by law. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of Congress from this state, or any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State, to which a salary is, or fees or perquisites are, by law, annexed; and the legislature may by law declare what state offices are incompatible. No member of the Senate or of the House of Representatives shall be appointed by the Governor to any office during the term for which he shall have been elected.

9. All officers for a term of years shall hold their offices for the terms respectively specified, only on the condition that they so long behave themselves well; and shall be removed on conviction of misbehaviour in office or of any infamous crime.

10. Any person who shall, after the adoption of the amendments proposed by this Convention to the Constitution, fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and shall be punished otherwise in such manner as is, or may be prescribed by law; but the executive may remit the said offence and all its disqualifications.

Article 7.

Sec. 1. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the State, in such manner that the poor may be taught gratis.

2. The arts and sciences shall be promoted in one or more seminaries of learning.

3. The rights, privileges, immunities and estates of religious societies and corporate bodies, shall remain as if the Constitution of this State had not been altered or amended.

4. The legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken.

Article 8.

Members of the general Assembly and all officers, executive and judicial, shall be bound by oath or affirmation to support the Constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

Article 9.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare:

1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness: For the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no pre-

ference shall ever be given, by law, to any religious establishments or modes of worship.

4. That no person who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

5. That elections shall be free and equal.

6. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

7. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers, investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

8. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

9. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy trial by an impartial jury of the vicinage: that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

10. That no person shall, for any indictable offence, be proceeded against criminally by information; except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; or by leave of the court for oppression and misdemeanor in office. No person shall for the same offence be twice put in jeopardy of life or limb; nor shall any man's property be taken, or applied to public use, without the consent of his representatives, and without just compensation being made.

11. That all courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law, direct.

12. That no power of suspending laws shall be exercised, unless by the legislature, or its authority.

13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

14. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great: and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

15. That no commission of oyer and terminer or jail delivery shall be issued.

16. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

17. That no *ex post facto* law, nor any law impairing contracts, shall be made.

18. That no person shall be attainted of treason or felony by the legislature.

19. That no attainder shall work corruption of blood; nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons as shall destroy their own lives, shall descend or

vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

20. That the citizens have a right, in a peaceful manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, redress, or remonstrance.

21. That the right of the citizens to bear arms, in defence of themselves and the State, shall not be questioned.

22. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

23. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

24. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

25. That emigration from the State shall not be prohibited.

26. To guard against transgressions of the high powers which we have delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate.

Article 10.

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of the commonwealth shall cause the same to be published three months before the next election, in at least one newspaper in every county in which a newspaper shall be published; and if in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to

each House, the secretary of the commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people in such manner and at such time, at least three months after being so agreed to by the two Houses, as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this State voting thereon, such amendment or amendments shall become a part of the Constitution, but no amendment or amendments shall be submitted to the people oftener than once in five years: Provided, that if more than one amendment be submitted, they shall be submitted in such manner and form, that the people may vote for or against each amendment separately and distinctly.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments of the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained, that:

1. ALL laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, prosecutions, actions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

2. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and thirty-nine.

3. The clauses, sections, and articles of the said constitution which remain unaltered shall continue to be construed and have effect as if the said constitution had not been amended.

4. The general assembly which shall convene in December, eighteen hundred and thirty-eight, shall continue its session, as heretofore, notwithstanding the provision in

the eleventh section of the first article, and shall at all times be regarded as the first general assembly under the amended constitution.

5. The governor who shall be elected in October, eighteen hundred and thirty-eight, shall be inaugurated on the third Tuesday in January, eighteen hundred and thirty-nine; to which time the present executive term is hereby extended.

6. The commissions of the judges of the supreme court who may be in office on the first day of January next shall expire in the following manner:—The commission which bears the earliest date shall expire on the first day of January, anno domini one thousand eight hundred and forty-two: the commission next dated shall expire on the first day of January, anno domini one thousand eight hundred and forty-five: the commission next dated shall expire on the first day of January, anno domini one thousand eight hundred and forty-eight: the commission next dated shall expire on the first day of January, anno domini one thousand eight hundred and fifty-one: and the commission last dated shall expire on the first day of January, anno domini one thousand eight hundred and fifty-four.

7. The commissions of the president judges of the several judicial districts, and of the associate law judges of the first judicial district, shall expire as follows:—The commissions of one-half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and thirty-nine: the commission of the other half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-two: the first half to embrace those whose commissions shall bear the oldest date. The commissions of all the remaining judges who shall not have held their offices for ten years at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February next after the end of ten years from the date of their commissions.

8. The recorders of the several mayors' courts, and other criminal courts in this commonwealth, shall be appointed for the same time and in the same manner as the president judges of the several judicial districts: of those now in office, the commission oldest in date shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-one, and the others every two years thereafter according to their respective dates: those oldest in date expiring first.

9. The legislature, at its first session under the amended constitution, shall divide the other associate judges of the state into four classes. The commissions of those of the first class shall expire on the twenty-seventh day of February, eighteen hundred and forty: of those of the second class on the twenty-seventh day of February, eighteen hundred and forty-one: of those of the third class on the twenty-seventh day of February, eighteen hundred and forty-two: and of those of the fourth class, on the twenty-seventh day of February, eighteen hundred and forty-three. The said classes, from the first to the fourth, shall be arranged according to the seniority of the commissions of the several judges.

10. Prothonotaries, clerks of the several courts, (except of the supreme court,) recorders of deeds, and registers of wills, shall be first elected under the amended constitution, at the election of representatives, in the year eighteen hundred and thirty-nine, in such manner as may be prescribed by law.

11. The appointing power shall remain as heretofore, and all officers in the appointment of the executive department shall continue in the exercise of the duties of their respective offices until the legislature shall pass such laws as may be required by the eighth section of the sixth article of the amended constitution, and until appointments shall be made under such laws; unless their commissions shall be superseded by new appointments, or shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation, and such laws shall be enacted by the first legislature under the amended constitution.

12. The first election for aldermen and justices of the

peace shall be held in the year eighteen hundred and forty, at the time fixed for the election of constables. The legislature, at its first session under the amended constitution, shall provide for the said election, and for subsequent similar elections. The aldermen and justices of the peace now in commission, or who may in the interim be appointed, shall continue to discharge the duties of their respective offices until fifteen days after the day which shall be fixed by law for the issuing of new commissions, at the expiration of which time their commissions shall expire.

In testimony that the foregoing is the amended constitution of Pennsylvania, as agreed to in convention, we, the officers and members of the convention, have hereunto signed our names, at Philadelphia, the twenty-second day of February, anno domini one thousand eight hundred and thirty-eight, and of the independence of the United States of America the sixty-second.

JOHN SERGEANT, *President.*

(Attest) S. SCHOCH, *Secretary.*

GEORGE L. FAUSS,
J. WILLIAMS, } *Assistant Secretaries.*

AMENDMENT TO ARTICLE 5, SECTION 2.

ADOPTED IN 1850.

THE judges of the supreme court, of the several courts of common pleas, and of such other courts of record as are or shall be established by law, shall be elected by the qualified electors of the commonwealth in the manner following, to wit: The judges of the supreme court, by the qualified electors of the commonwealth at large. The president judges of the several courts of common pleas and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, by the qualified electors of the respective districts over which they are to preside or act as

judges. And the associate judges of the courts of common pleas by the qualified electors of the counties respectively. The judges of the supreme court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well, (subject to the allotment hereinafter provided for, subsequent to the first election:) The president judges of the several courts of common pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well: The associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well: all of whom shall be commissioned by the governor, but for any reasonable cause which shall not be sufficient grounds of impeachment, the governor shall remove any of them on the address of two-thirds of each branch of the legislature. The first election shall take place at the general election of this commonwealth next after the adoption of this amendment, and the commissions of all the judges who may be then in office shall expire on the first Monday of December following, when the terms of the new judges shall commence. The persons who shall then be elected judges of the supreme court shall hold their offices as follows: one of them for three years, one for six years, one for nine years, one for twelve years, and one for fifteen years; the term of each to be decided by lot by the said judges, as soon after the election as convenient, and the result certified by them to the governor, that the commissions may be issued in accordance thereto. The judge whose commission will first expire shall be chief justice during his term, and thereafter each judge whose commission shall first expire shall in turn be the chief justice, and if two or more commissions shall expire on the same day, the judges holding them shall decide by lot which shall be the chief justice. Any vacancies happening by death, resignation, or otherwise, in any of the said courts, shall be filled by appointment by the governor, to continue till the first Monday of December succeeding the next general election. The judges of the supreme court and

the presidents of the several courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth, or under the government of the United States, or any other state of this Union. The judges of the supreme court during their continuance in office shall reside within this commonwealth, and other judges during their continuance in office shall reside within the district or county for which they were respectively elected.

CONSTITUTION OF VIRGINIA.

BILL OF RIGHTS.

[PASSED JUNE 12, 1776.]

ADOPTED WITHOUT ALTERATION BY THE CONVENTION OF 1829–30, AND READOPTED WITH AMENDMENTS BY THE CONVENTION OF 1850–51.

A Declaration of Rights made by the Representatives of the good people of VIRGINIA, *assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of government.*

1. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community: of all the various modes and

forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

5. That the legislative and executive powers of the State should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unani-

mous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That, in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of *Virginia*, ought to be erected or established within the limits thereof.

15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience, and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

CONSTITUTION.

WHEREAS, the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six: reciting and declaring, that whereas George the Third, king of Great Britain and Ireland and elector of Hanover, before that time intrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavouring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation; for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefit of the trial by jury, for transporting us beyond seas to be tried for pretended offences, for suspending our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our

people; by inciting insurrections of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us, those very negroes whom by an inhuman use of his negative he had refused us permission to exclude by law; by endeavouring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence; by transporting hither a large army of foreign mercenaries, to complete the work of death, desolation, and tyranny, then already begun with circumstances of cruelty and perfidy, unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection; by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britain, was totally dissolved: did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced, unless some regular adequate mode of civil polity should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia:

And whereas, a convention held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of the commonwealth an amended constitution or form of government, which was ratified by them:

And whereas, the general assembly of Virginia, by an act passed on the fourth of March, in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss, and propose a new constitution, or alterations and amendments to the existing constitution of this commonwealth; and by an act, passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people, for ratification or rejection:

We, therefore, the delegates of the good people of

Virginia, elected and in convention assembled, in pursuance of said acts, do propose to the people the following constitution and form of government for this commonwealth:

Article 1.—*Bill of Rights.*

The declaration of rights, as amended and prefixed to this constitution, shall have the same relation thereto as it had to the former constitution.

Article 2.—*Division of Powers.*

The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to either house of assembly.

Article 3.—*Qualification of Voters.*

1. Every white male citizen of the commonwealth, of the age of twenty-one years, who has been a resident of the state for two years, and of the county, city, or town where he offers to vote for twelve months next preceding an election, and no other person, shall be qualified to vote for members of the general assembly and all officers elective by the people: but no person in the military, naval, or marine service of the United States shall be deemed a resident of this state, by reason of being stationed therein. And no person shall have the right to vote, who is of unsound mind, or a pauper, or a non-commissioned officer, soldier, seaman, or marine in the service of the United States, or who has been convicted of bribery in an election, or of any infamous offence.

2. The general assembly at its first session after the adoption of this constitution, and afterwards as occasion may require, shall cause every city or town, the white population of which exceeds five thousand, to be laid off into convenient wards, and a separate place of voting to be established in each, and thereafter no inhabitant of

such city or town shall be allowed to vote except in the ward in which he resides.

3. No voter during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to work upon the public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to and returning from them.

4. In all elections, votes shall be given openly, or *viva voce*, and not by ballot. But dumb persons, entitled to suffrage, may vote by ballot.

ARTICLE 4.—*Legislative Department.*

1. The legislature shall be formed of two distinct branches, which together shall be a complete legislature and shall be called the general assembly of Virginia.

HOUSE OF DELEGATES.

2. One of these shall be called the house of delegates, and shall consist of one hundred and fifty-two members, to be chosen biennially for and by the several counties, cities, and towns of the commonwealth, and distributed and apportioned as follows:

The counties of Augusta and Rockingham and the city of Richmond shall each elect three delegates:

The counties of Albemarle, Bedford, Berkeley, Campbell, Fauquier, Franklin, Frederick, Halifax, Hampshire, Harrison, Jefferson, Kanawha, Loudoun, Marion, Monongalia, Monroe, Norfolk, Pittsylvania, Preston, Rockbridge, Shenandoah, and Washington shall each elect two delegates.

The counties of Botetourt and Craig shall together elect two delegates:

The counties of Accomac, Alexandria, Amherst, Appomattox, Barbour, Brunswick, Buckingham, Cabell, Caroline, Carroll, Charlotte, Chesterfield, Clarke, Culpepper, Dinwiddie, Fairfax, Floyd, Fluvanna, Giles, Gloucester, Goochland, Grayson, Greenbrier, Hanover, Hardy, Henrico, Henry, Highland, Isle of Wight, Jackson, King William, Lee, Lewis, Louisa, Lunenberg, Madison, Mar-

shall, Mason, Mercer, Mecklenburg, Montgomery, Morgan, Nansemond, Nelson, Northampton, Page, Patrick, Pendleton, Pocahontas, Princess Anne, Prince Edward, Prince William, Pulaski, Putnam, Randolph, Rappahannock, Roanoke, Scott, Smyth, Southampton, Spottsylvania, Taylor, Upshur, Warren, Wayne, Wetzel, Wood, and Wythe, and the cities of Norfolk and Petersburg, shall each elect one delegate:

The counties of Lee and Scott, in addition to the delegate to be elected by each, shall together elect one delegate.

The following counties and cities shall compose election districts: Alleghany and Bath: Amelia and Nottoway: Logan, Boone, and Wyoming: Braxton and Nicholas: Charles City, James City, and New Kent: Cumberland and Powhatan: Doddridge and Tyler: Elizabeth City, Warwick, York, and the City of Williamsburg: Essex and King and Queen: Fayette and Raleigh: Gilmer and Wirt, Greene and Orange: Greenesville and Sussex: King George and Stafford: Lancaster and Northumberland: Mathews and Middlesex: Pleasants and Ritchie: Prince George and Surry: and Richmond and Westmoreland: each of which districts shall elect one delegate.

At the first general election under this constitution the county of Ohio shall elect three delegates, and the counties of Brooke and Hancock shall together elect one delegate; at the second general election the county of Ohio shall elect two delegates, and the counties of Brooke and Hancock shall each elect one delegate; and so on, alternately, at succeeding general elections.

At the first general election the county of Russell shall elect two delegates, and the county of Tazewell shall elect one delegate; at the second general election the county of Tazewell shall elect two delegates, and the county of Russell shall elect one delegate; and so on, alternately, at succeeding general elections.

The general assembly shall have power upon application of a majority of the voters of the county of Campbell to provide, that instead of the two delegates to be elected by said county, the town of Lynchburg shall elect one delegate, and the residue of the county of Campbell shall elect one delegate.

3. The other house of the general assembly shall be called the senate, and shall consist of fifty members, to be elected for the term of four years; for the election of whom, the counties, cities, and towns shall be divided into fifty districts: each county, city, and town of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator, and the sheriffs or other officers holding the election for each county, city, and town, within five days at farthest after the last election in the district, shall meet at the court-house of the county or city first named in the district, and from the polls so taken in their respective counties, cities, and towns, return as senator the person who has received the greatest number of votes in the whole district. Upon the assembling of the senators so elected, they shall be divided into two equal classes, to be numbered by lot. The term of service of the senators of the first class shall expire with that of the delegates first elected under this constitution; and of the senators of the second class at the expiration of two years thereafter: and this alternation shall be continued, so that one-half of the senators may be chosen every second year.

SECTION IV.—THE SENATE.

I. For the election of senators, the counties of Accomac and Northampton shall form one district:

II. The city of Norfolk shall be another district:

III. The counties of Norfolk and Princess Anne shall form another district:

IV. The counties of Isle of Wight, Nansemond, and Surry, shall form another district:

V. The counties of Sussex, Southampton, and Greensville, shall form another district:

VI. The city of Petersburg and the county of Prince George shall form another district:

VII. The counties of Dinwiddie, Amelia, and Brunswick, shall form another district:

VIII. The counties of Powhatan, Cumberland, and Chesterfield, shall form another district:

IX. The counties of Lunenburg, Nottoway, and Prince Edward, shall form another district:

X. The counties of Mecklenburg and Charlotte shall form another district:

XI. The county of Pittsylvania shall be another district:

XII. The county of Halifax shall be another district:

XIII. The counties of Henry, Patrick, and Franklin, shall form another district:

XIV. The county of Bedford shall be another district:

XV. The counties of Campbell and Appomattox shall form another district:

XVI. The city of Williamsburg, and the counties of James City, Charles City, New Kent, York, Elizabeth City, and Warwick, shall form another district:

XVII. The counties of Henrico and Hanover shall form another district:

XVIII. The city of Richmond shall be another district:

XIX. The counties of Gloucester, Mathews, and Middlesex, shall form another district:

XX. The counties of Richmond, Lancaster, Northumberland, and Westmoreland, shall form another district:

XXI. The counties of King and Queen, King William, and Essex, shall form another district:

XXII. The counties of Caroline and Spottsylvania shall form another district:

XXIII. The counties of Stafford, King George, and Prince William, shall form another district:

XXIV. The counties of Fairfax and Alexandria shall form another district:

XXV. The county of Loudoun shall be another district:

XXVI. The counties of Fauquier and Rappahannock shall form another district:

XXVII. The counties of Madison, Culpepper, Orange, and Greene, shall form another district:

XXVIII. The county of Albemarle shall be another district:

XXIX. The counties of Louisa, Goochland, and Fluvanna, shall form another district:

XXX. The counties of Nelson, Amherst, and Buckingham, shall form another district:

XXXI. The counties of Jefferson and Berkeley shall form another district:

XXXII. The counties of Hampshire, Hardy, and Morgan, shall form another district:

XXXIII. The counties of Frederick, Clarke, and Warren, shall form another district:

XXXIV. The counties of Shenandoah and Page shall form another district:

XXXV. The counties of Rockingham and Pendleton shall form another district:

XXXVI. The county of Augusta shall be another district:

XXXVII. The counties of Bath, Highland, and Rockbridge, shall form another district:

XXXVIII. The counties of Botetourt, Alleghany, Roanoke, and Craig, shall form another district:

XXXIX. The counties of Carroll, Floyd, Grayson, Montgomery, and Pulaski, shall form another district:

XL. The counties of Mercer, Monroe, Giles, and Tazewell, shall form another district:

XLI. The counties of Smyth, Wythe, and Washington, shall form another district:

XLII. The counties of Scott, Lee, and Russell, shall form another district:

XLIII. The counties of Boone, Logan, Kanawha, Putnam, and Wyoming, shall form another district:

XLIV. The counties of Nicholas, Fayette, Pocahontas, Raleigh, Braxton, and Greenbrier, shall form another district:

XLV. The counties of Mason, Jackson, Cabell, Wayne, and Wirt, shall form another district:

XLVI. The counties of Ritchie, Doddridge, Harrison, Pleasants, and Wood, shall form another district:

XLVII. The ccunties of Wetzel, Marshall, Marion, and Tyler, shall form another district:

XLVIII. The counties of Upshur, Barbour, Lewis, Gilmer, and Randolph, shall form another district:

XLIX. The counties of Monongalia, Preston, and Taylor, shall form another district:

L. The counties of Brooke, Hancock, and Ohio, shall form another district.

SECTION V.

5. It shall be the duty of the general assembly in the year one thousand eight hundred and sixty-five, and in every tenth year thereafter, in case it can agree upon a principle of representation, to re-apportion representation in the senate and house of delegates in accordance therewith; and in the event the general assembly, at the first or any subsequent period of re-apportionment, shall fail to agree upon a principle of representation and to re-apportion representation in accordance therewith, each house shall separately propose a scheme of representation, containing a principle or rule for the house of delegates, in connection with a principle or rule for the senate. And it shall be the duty of the general assembly, at the same session, to certify to the governor, the principles or rules of representation which the respective houses may separately propose, to be applied in making re-apportionments in the senate and in the house of delegates: and the governor shall, as soon thereafter as may be, by proclamation, make known the propositions of the respective houses, and require the voters of the commonwealth to assemble at such time as he shall appoint, at their lawful places of voting, and decide by their votes between the propositions thus presented. In the event the general assembly shall fail, in the year one thousand eight hundred and sixty-five, or in any tenth year thereafter, to make such re-apportionment or certificate, the governor shall, immediately after the adjournment of the general assembly, by proclamation, require the voters of the commonwealth to assemble, at such time as he shall appoint, at their lawful places of voting, and to declare by their votes:

First, whether representation in the senate and house of delegates shall be apportioned on the "Suffrage Basis;" that is, according to the number of voters in the several counties, cities, towns, and senatorial districts of the commonwealth:

Or second, whether representation in both houses shall be apportioned on the "Mixed Basis;" that is, according to the number of white inhabitants contained, and the

amount of all state taxes paid, in the several counties, cities, and towns of the commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, allowing one delegate for every seventy-sixth part of said inhabitants, and one delegate for every seventy-sixth part of said taxes, and distributing the senators in like manner:

Or third, whether representation shall be apportioned in the senate on taxation; that is, according to the amount of all state taxes, paid in the several counties, cities, and towns of the commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, and in the house of delegates on the "Suffrage Basis" as aforesaid:

Or fourth, whether representation shall be apportioned in the senate on the "Mixed Basis" as aforesaid, and in the house of delegates on the "Suffrage Basis" as aforesaid: and each voter shall cast his vote in favor of one of said schemes of apportionment, and no more.

6. It shall be the duty of the sheriffs and other officers taking said polls, to keep the same open for the period of three days, and within five days after they are closed, to certify true copies thereof to the governor, who shall, as early as may be, ascertain the result of said vote, and make proclamation thereof; and in case it is ascertained that a majority of all the votes cast is in favor of either of the principles of representation, referred as aforesaid to the choice of the voters, the governor shall communicate the result of such vote to the general assembly at its first regular session thereafter; but in case it is ascertained that a majority of all the votes cast is not in favor of either of the principles of representation referred as aforesaid to the choice of the voters, it shall be the duty of the governor, as soon as may be after ascertaining that fact, in like manner to cause the voters to decide between the two principles of representation which shall, at such previous voting, have received the greatest number of votes; and he shall ascertain and make proclamation of the result of the said last vote, and communicate the same to the general assembly at its next regular session; and in either

case the general assembly, at the regular session thereof which shall be held next after the taking of the vote, the result of which shall have been so communicated to it by the governor, shall re-apportion representation in the two houses respectively in accordance with the principle of representation in each, for which a majority of the votes cast were given; and it shall be the duty of the general assembly in every tenth year thereafter to re-apportion and distribute the number of senators and delegates in accordance with the same principle.

7. Any person may be elected senator, who, at the time of election, has attained the age of twenty-five years, and is actually a resident within the district, and qualified to vote for members of the general assembly, according to this constitution. And any person may be elected a member of the house of delegates, who, at the time of election, has attained the age of twenty-one years, and is actually a resident within the county, city, town, or election district, qualified to vote for members of the general assembly, according to this constitution; but no person holding a lucrative office, no minister of the gospel or priest of any religious denomination, no salaried officer of any banking corporation or company, and no attorney for the commonwealth, shall be capable of being elected a member of either house of assembly. The removal of any person elected to either branch of the general assembly from the county, city, town, or district for which he was elected, shall vacate his office.

8. The general assembly shall meet once in every two years, and not oftener, unless convened by the governor in the manner prescribed in this constitution. No session of the general assembly, after the first under this constitution, shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each house, in which case the session may be extended for a further period, not exceeding thirty days. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. A majority of each house shall constitute a quorum to do business, but a smaller number

may adjourn from day to day, and shall be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide.

9. The house of delegates shall choose its own speaker, and in the absence of the lieutenant-governor, or when he shall exercise the office of governor, the senate shall choose from their own body, a president *pro tempore:* and each house shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies: but if vacancies shall occur during the recess of the general assembly, such writs may be issued by the governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualifications, and returns of its members, may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

10. The members of the assembly shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury; but no act increasing such compensation shall take effect until after the end of the term for which the members of the house of delegates voting thereon were elected. And no senator or delegate, during the term for which he shall have been elected, shall be appointed to any civil office of profit under the commonwealth, which has been created, or the emoluments of which have been increased, during such term, except offices filled by elections by the people.

11. Bills and resolutions may originate in either of the two houses of the general assembly, to be approved or rejected by the other, and may be amended by either house, with the consent of the other.

12. Each house of the general assembly shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law, until it has been read on three different days of the session, in the house in which it originated, unless two-thirds of the members elected to that house shall otherwise determine.

13. The whole number of members to which the state may at any time be entitled in the house of representatives of the United States shall be apportioned, as nearly as may be, amongst the several counties, cities, and towns of the state, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

14. In the apportionment, the state shall be divided into districts corresponding in number with the representatives to which it may be entitled in the house of representatives of the congress of the United States, which shall be formed respectively of contiguous counties, cities, and towns, be compact, and include, as nearly as may be, an equal number of the population upon which is based representation in the house of representatives of the United States.

15. The privilege of the writ of *habeas corpus* shall not, in any case, be suspended. The general assembly shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law whereby private property shall be taken for public uses without just compensation; or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place, or ministry, whatsoever; nor shall any man be enforced, restrained, molested, or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions, in matters of religion, and the same shall in no wise affect, diminish, or enlarge their civil capacities. And the general assembly shall not prescribe any religious test whatever; or confer any peculiar privileges or advantages on any sect or denomination; or pass any law requiring or authorizing any religious society, or the people of any district within this commonwealth, to levy on themselves or others any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor,

and to make for his support such private contract as he shall please.

16. No law shall embrace more than one object, which shall be expressed in its title: nor shall any law be revived or amended by reference to its title, but the act revived, or section amended, shall be re-enacted and published at length.

17. The general assembly may provide that no person shall be capable of holding, or being elected to, any post of profit, trust, or emolument, civil or military, legislative, executive or judicial, under the government of this commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

18. The governor, lieutenant-governor, judges, and all others offending against the state, by mal-administration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the house of delegates, and be prosecuted before the senate, which shall have the sole power to try impeachments. When sitting for that purpose, they shall be on oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the commonwealth; but the party convicted shall nevertheless be subject to indictment, trial, judgment, and punishment, according to law. The senate may sit during the recess of the general assembly for the trial of impeachments.

SLAVES AND FREE NEGROES.

19. Slaves hereafter emancipated shall forfeit their freedom by remaining in the commonwealth more than

twelve months after they become actually free, and shall be reduced to slavery, under such regulations as may be prescribed by law.

20. The general assembly may impose such restrictions and conditions as they shall deem proper on the power of slave owners to emancipate their slaves; and may pass laws for the relief of the commonwealth from the free negro population by removal or otherwise.

21. The general assembly shall not emancipate any slave, or the descendant of any slave, either before or after the birth of such descendant.

TAXATION AND FINANCE.

22. Taxation shall be equal and uniform throughout the commonwealth, and all property, other than slaves, shall be taxed in proportion to its value, which shall be ascertained in such manner as may be prescribed by law.

23. Every slave who has attained the age of twelve years shall be assessed with a tax equal to and not exceeding that assessed on land of the value of three hundred dollars. Slaves under that age shall not be subject to taxation; and other taxable property may be exempted from taxation, by the vote of a majority of the whole number of members elected to each house of the general assembly.

24. A capitation tax, equal to the tax assessed on land of the value of two hundred dollars, shall be levied on every white male inhabitant who has attained the age of twenty-one years: and one equal moiety of the capitation tax upon white persons shall be applied to the purposes of education in primary and free schools; but nothing herein contained shall prevent exemptions of taxable polls in cases of bodily infirmity.

25. The general assembly may levy a tax on incomes, salaries, and licenses; but no tax shall be levied on property from which any income so taxed is derived, or on the capital invested in the trade or business in respect to which the license so taxed is issued.

26. No money shall be drawn from the treasury but in pursuance of appropriations made by law; and a statement

of the receipts, disbursements, appropriations, and loans shall be published after the adjournment of each session of the general assembly, with the acts and resolutions thereof.

27. On the passage of every act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, releases, discharges, or commutes any claim or demand of the state, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of a law.

28. The liability to the state of any incorporated company or institution, to redeem the principle and pay the interest of any loan heretofore made, or which may hereafter be made, by the state, to such company or institution, shall not be released; and the general assembly shall not pledge the faith of the state, or bind it in any form, for the debts or obligations of any company or corporation.

29. There shall be set apart annually, from the accruing revenue, a sum equal to seven per cent. of the state debt existing on the first day of January in the year one thousand eight hundred and fifty-two. The fund thus set apart shall be called the sinking fund, and shall be applied to the payment of the interest of the state debt, and the principal of such part as may be redeemable. If no part be redeemable, then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of this commonwealth, or of the United States, or of some of the states of this Union, and applied to the payment of the state debt, as it shall become redeemable. Whenever, after the said first day of January, a debt shall be contracted by the commonwealth, there shall be set apart in like manner, annually, for thirty-four years, a sum exceeding by one per cent. the aggregate annual interest agreed to be paid thereon, at the time contracted, which sum shall be part of the sinking fund, and shall be applied in the manner before directed. The general assembly shall not other-

wise appropriate any part of the sinking fund or its accruing interest, except in time of war, insurrection, or invasion.

30. The general assembly may, at any time, direct a sale of the stocks held by the commonwealth in internal improvement and other companies; but the proceeds of such sale, if made before the payment of the public debt, shall constitute a part of the sinking fund and be applied in like manner.

31. The general assembly shall not contract loans or cause to be issued certificates of debt or bond of the state, irredeemable for a period greater than thirty-four years.

GENERAL PROVISIONS.

32. The general assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

33. No lottery shall hereafter be authorized by law, and the buying, selling, or transferring of tickets or chances in any lottery not now authorized by a law of this state, shall be prohibited.

34. No new county shall be formed with an area less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county, having a white population less than five thousand, be deprived of more than one-fifth of such population; nor shall a county having a larger white population be reduced below four thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the general assembly. In all general elections the voters in any county, not entitled to separate representation, shall vote in the same election district.

35. The general assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not, by special legislation, grant relief in such cases, or in any other case

of which the courts or other tribunals may have jurisdiction.

36. The general assembly shall provide for the periodical registration, in the several counties, cities, and towns, of the voters therein, and for the annual registration of the births, marriages, and deaths in the white population, and of the births and deaths in the colored population of the same, distinguishing between the numbers of free colored persons and slaves.

37. The general assembly, at intervals of five years from the dates of the returns of the census of the United States, shall cause to be taken a census and such statistics of this state as may be prescribed by law; which census and statistics shall be returned to the secretary of the commonwealth, who shall compare and correct the returns and report the same to the general assembly.

38. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this constitution, shall be prescribed by law; but special elections to fill vacancies in the office of judge of any court shall be for a full term. And the general assembly may declare the cases in which any office shall be deemed vacant, when no provision is made for that purpose in this constitution.

ARTICLE 5.—*Executive Department.*

GOVERNOR.

1. The chief executive power of this commonwealth shall be vested in a governor. He shall hold the office for the term of four years, to commence on the —— day of —— next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

2. The governor shall be elected by the voters, at the times and places of choosing members of the general assembly. Returns of the election shall be transmitted, under seal, by the proper officers to the secretary of the

commonwealth, who shall deliver them to the speaker of the house of delegates, on the first day of the next session of the general assembly. The speaker of the house of delegates shall within one week thereafter, in the presence of a majority of the senate and house of delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen governor by the joint vote of the two houses of the general assembly. Contested elections for governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

3. No person shall be eligible to the office of governor unless he has attained the age of thirty years, is a native citizen of the United States, and has been a citizen of Virginia for five years next preceding his election.

4. The governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and, while in office, shall receive no other emolument from this or any other government.

5. He shall take care that the laws be faithfully executed; communicate to the general assembly at every session the condition of the commonwealth; recommend to their consideration such measures as he may deem expedient; and convene the general assembly on application of a majority of the members of both houses thereof, or when in his opinion the interests of the commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the state; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the general assembly, fill *pro tempore* all vacancies in those offices for which the constitution and laws make no provision: but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the general assembly. He shall have power to remit

fines and penalties, in such cases, and under such rules and regulations, as may be prescribed by law; and, except when the prosecution has been carried on by the house of delegates, or the law shall otherwise particularly direct, to grant reprieves and pardons after conviction, and to commute capital punishment. But he shall communicate to the general assembly, at each session, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

6. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices; and may also require the opinion in writing of the attorney-general upon any question of law connected with his official duties.

7. Commissions and grants shall run in the name of the commonwealth of Virginia, and be attested by the governor with the seal of the commonwealth annexed.

LIEUTENANT-GOVERNOR.

8. A lieutenant-governor shall be elected at the same time, and for the same term, as the governor: and his qualification and the manner of his election in all respects shall be the same.

9. In case of the removal of the governor from office, or of his death, failure to qualify, resignation, removal from the state, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant-governor; and the general assembly shall provide by law for the discharge of the executive functions in other necessary cases.

10. The lieutenant-governor shall be president of the senate, but shall have no vote; and, while acting as such, shall receive a compensation equal to that allowed to the speaker of the house of delegates.

SECRETARY OF THE COMMONWEALTH, TREASURER, AND AUDITOR.

11. A secretary of the commonwealth, treasurer, and an auditor of public accounts, shall be elected by the joint vote of the two houses of the general assembly, and continue in office for the term of two years, unless sooner removed.

12. The secretary shall keep a record of the official acts of the governor, which shall be signed by the governor and attested by the secretary; and when required, he shall lay the same, and any papers, minutes, and vouchers pertaining to his office, before either house of the general assembly; and shall perform such other duties as may be prescribed by law.

13. The powers and duties of the treasurer and auditor shall be such as now are, or may be hereafter, prescribed by law.

BOARD OF PUBLIC WORKS.

14. There shall be a board of public works, to consist of three commissioners. The state shall be divided into three districts, containing as nearly as may be equal numbers of voters, and the voters of each district shall elect one commissioner, whose term of office shall be six years; but of those first elected, one, to be designated by lot, shall remain in office for two years only, and one other, to be designated in like manner, shall remain in office for four years only.

15. The general assembly, at its first session after the adoption of this constitution, shall provide for the election and compensation of the commissioners, and the organization of the board. The commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their term of service shall expire.

16. The board of public works shall appoint all officers employed on the public works, and all persons representing the interest of the commonwealth in works of internal improvement, and shall perform such other duties as may be prescribed by law.

17. The members of the board of public works may be removed by the concurrent vote of a majority of all the members elected to each house of the general assembly; but the cause of removal shall be entered on the journal of each house.

18. The general assembly shall have power, by a vote of three-fifths of the members elected to each house, to abolish said board whenever in their opinion a board of public works shall no longer be necessary.

MILITIA.

19. The manner of appointing militia officers shall be prescribed by law.

ARTICLE 6.—*Judiciary Department.*

1. There shall be a supreme court of appeals, district courts, and circuit courts. The jurisdiction of these tribunals, and of the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law.

JUDICIAL DIVISIONS.

2. The state shall be divided into twenty-one judicial circuits, ten districts, and five sections.

I. The counties of Princess Anne, Norfolk, Nansemond, Isle of Wight, Southampton, Greenesville, Surry, and Sussex, and the city of Norfolk, shall constitute the first circuit.

II. The counties of Prince George, Dinwiddie, Brunswick, Mecklenburg, Lunenburg, Nottoway, Amelia, Chesterfield, and Powhatan, and the city of Petersburg, shall constitute the second circuit.

III. The counties of Cumberland, Buckingham, Appomattox, Campbell, Prince Edward, Charlotte, and Halifax, and the town of Lynchburg, shall constitute the third circuit.

IV. The counties of Pittsylvania, Bedford, Franklin, Patrick, and Henry, shall constitute the fourth circuit.

V. The counties of Accomac and Northampton shall constitute the fifth circuit.

VI. The counties of Elizabeth City, Warwick, York, Gloucester, Mathews, Middlesex, Henrico, New Kent, Charles City, and James City, and the city of Williamsburg, shall constitute the sixth circuit.

VII. The city of Richmond shall be the seventh circuit.

VIII. The counties of Lancaster, Northumberland, Richmond, Westmoreland, King George, Spottsylvania, Caroline, Hanover, King William, King and Queen, and Essex, shall constitute the eighth circuit.

IX. The counties of Stafford, Prince William, Alexandria, Fairfax, Loudoun, Fauquier, and Rappahannock, shall constitute the ninth circuit.

X. The counties of Culpeper, Madison, Greene, Orange, Albemarle, Louisa, Fluvanna, and Goochland, shall constitute the tenth circuit.

XI. The counties of Nelson, Amherst, Rockbridge, Augusta, and Bath, shall constitute the eleventh circuit.

XII. The counties of Pendleton, Highland, Rockingham, Page, Shenandoah, Warren, and Hardy, shall constitute the twelfth circuit.

XIII. The counties of Clarke, Frederick, Hampshire, Morgan, Berkeley, and Jefferson, shall constitute the thirteenth circuit.

XIV. The counties of Monroe, Greenbrier, Pocahontas, Alleghany, Botetourt, Roanoke, and Craig, shall constitute the fourteenth circuit.

XV. The counties of Giles, Mercer, Raleigh, Wyoming, Logan, Boone, Fayette, and Nicholas, shall constitute the fifteenth circuit.

XVI. The counties of Grayson, Carroll, Wythe, Floyd, Pulaski, and Montgomery, shall constitute the sixteenth circuit.

XVII. The counties of Smyth, Tazewell, Washington, Russell, Scott, and Lee, shall constitute the seventeenth circuit.

XVIII. The counties of Wayne, Cabell, Mason, Jackson, Putnam, and Kanawha, shall constitute the eighteenth circuit.

XIX. The counties of Wood, Wirt, Gilmer, Braxton, Lewis, Ritchie, Doddridge, and Pleasants, shall constitute the nineteenth circuit.

XX. The counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, and Monongalia, shall constitute the twentieth circuit.

XXI. And the counties of Harrison, Marion, Taylor, Preston, Barbour, Randolph, and Upshur, shall constitute the twenty-first circuit.

3. The first and second circuits shall constitute the first district; the third and fourth circuits, the second district; the fifth, sixth, and seventh circuits, the third district; the eighth and ninth circuits, the fourth district; the tenth and eleventh circuits, the fifth district; the twelfth and thirteenth circuits, the sixth district; the fourteenth and fifteenth circuits, the seventh district; the sixteenth and seventeenth circuits, the eighth district; the eighteenth and nineteenth circuits, the ninth district; and the twentieth and twenty-first circuits, the tenth district.

4. The first and second districts shall constitute the first section; the third and fourth districts, the second section; the fifth and sixth districts, the third section; the seventh and eighth districts, the fourth section; and the ninth and tenth districts, the fifth section.

5. The general assembly may, at the end of eight years after the adoption of this constitution, and thereafter at intervals of eight years, rearrange the said circuits, districts, and sections, and place any number of circuits in a district, and of districts in a section; but each circuit shall be altogether in one district, and each district in one section; and there shall not be less than two districts and four circuits in a section, and the number of sections shall not be increased or diminished.

CIRCUIT COURTS.

6. For each circuit, a judge shall be elected by the voters thereof, who shall hold his office for the term of eight years, unless sooner removed in the manner prescribed by this constitution. He shall at the time of his

election be at least thirty years of age, and, during his continuance in office, shall reside in the circuit of which he is judge.

7. A circuit court shall be held at least twice a year by the judge of each circuit, in every county and corporation thereof, wherein a circuit court is now or may hereafter be established. But the judges in the same district may be required or authorized to hold the courts of their respective circuits alternately, and a judge of one circuit to hold a court in any other circuit.

DISTRICT COURTS.

8. A district court shall be held, at least once a year, in every district, by the judges of the circuits constituting the section and the judge of the supreme court of appeals for the section of which the district forms a part, any three of whom may hold a court; but no judge shall sit or decide upon any appeal taken from his own decision. The judge of the supreme court of appeals of one section may sit in the district courts of another section, when required or authorized by law to do so.

9. The district courts shall not have original jurisdiction, except in cases of *habeas corpus*, *mandamus*, and *prohibition*.

COURTS OF APPEALS.

10. For each section a judge shall be elected by the voters thereof, who shall hold his office for the term of twelve years, unless sooner removed in the manner prescribed by this constitution. He shall at the time of his election be at least thirty-five years of age, and during his continuance in office, reside in the section for which he is elected.

11. The supreme court of appeals shall consist of the five judges so elected, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus*, and *prohibition*. It shall not have jurisdiction in civil causes where the matter in controversy, exclusive of costs, is less in value or amount

than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator; or concerning a mill, road, way, ferry, or landing, or the right of a corporation or of a county to levy tolls or taxes; and except in cases of *habeas corpus*, *mandamus*, and *prohibition*, and cases involving freedom, or the constitutionality of a law.

12. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals, and of the circuit courts, or any of them, to try any cases remaining on the dockets of the present court of appeals when the judges thereof cease to hold their offices; or to try any cases which may be on the dockets of the supreme court of appeals established by this constitution, in respect to which a majority of the judges of said court may be so situated as to make it improper for them to sit on the hearing thereof.

13. When a judgment or decree is reversed or affirmed by the supreme court of appeals, the reasons therefor shall be stated in writing, and preserved with the record of the case.

GENERAL PROVISIONS.

14. Judges shall be commissioned by the governor, and shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office. The salary of a judge of the supreme court of appeals shall not be less than three thousand dollars and that of a judge of a circuit court not less than two thousand dollars *per annum*, except that of the judge of the fifth circuit, which shall not be less than fifteen hundred dollars *per annum;* and each shall receive a reasonable allowance for necessary travel.

15. No judge during his term of service shall hold any other office, appointment, or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he during such term, or within one year thereafter, be eligible to any political office.

16. No election of judge shall be held within thirty days of the time of holding any election of electors of president and vice president of the United States, of members of congress, or of the general assembly.

17. Judges may be removed from office by a concurrent vote of both houses of the general assembly, but a majority of all the members elected to each house must concur in such vote; and the cause of removal shall be entered on the journal of each house. The judge, against whom the general assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the general assembly shall act thereupon.

18. The officers of the supreme court of appeals and of the district courts shall be appointed by the said courts respectively, or by the judges thereof in vacation. Their duties, compensation, and tenure of office, shall be prescribed by law.

19. The voters of each county or corporation in which a circuit court is held shall elect a clerk of such court, whose term of office shall be six years. The attorney for the commonwealth elected for a county or corporation wherein a circuit court is directed to be held, shall be attorney for the commonwealth for that court. But in case a circuit court is held for a city, or for a county and city, there shall be an attorney for the commonwealth for such court, to be elected by the voters of such city, or county and city, and to continue in office for the term of four years. The duties and compensation of these officers, and the mode of removing them from office, shall be prescribed by law.

20. When a vacancy shall occur in the office of clerk of any court, such court may appoint a clerk *pro tempore*, who shall discharge the duties of the office until the vacancy is filled.

21. The general assembly shall provide for the compensation of jurors, but appropriations for that purpose shall not be made from the state treasury, except in prosecutions for felony and misdemeanor.

22. At every election of a governor, an attorney-general shall be elected by the voters of the commonwealth, for the term of four years. He shall be commissioned by the governor, shall perform such duties and receive such compensation as may be prescribed by law, and be removable in the manner prescribed for the removal of judges.

23. Judges and all other officers, whether elected or appointed, shall continue to discharge the duties of their respective offices after their terms of service have expired, until their successors are qualified.

24. Writs shall run in the name of the commonwealth of Virginia and be attested by the clerks of the several courts. Indictments shall conclude, Against the peace and dignity of the commonwealth.

COUNTY COURTS.

25. There shall be in each county of the commonwealth a county court, which shall be held monthly, by not less than three nor more than five justices, except when the law shall require the presence of a greater number.

26. The jurisdiction of the said court shall be the same as that of the existing county courts, except so far as it is modified by this constitution or may be changed by law.

27. Each county shall be laid off into districts, as nearly equal as may be in territory and population. In each district there shall be elected, by the voters thereof, four justices of the peace, who shall be commissioned by the governor, reside in their respective districts, and hold their office for the term of four years. The justices so elected shall choose one of their own body, who shall be the presiding justice of the county court, and whose duty it shall be to attend each term of said court. The other justices shall be classified by law for the performance of their duties in court.

28. The justices shall receive for their services in court a *per diem* compensation, to be ascertained by law, and

paid out of the county treasury; and shall not receive any fee or emolument for other judicial services.

29. The power and jurisdiction of justices of the peace within their respective counties shall be prescribed by law.

COUNTY OFFICERS.

30. The voters of each county shall elect a clerk of the county court, a surveyor, an attorney for the commonwealth, a sheriff, and so many commissioners of the revenue as may be authorized by law, who shall hold their respective offices as follows: The clerk and the surveyor, for the term of six years; the attorney, for the term of four years; the sheriff and the commissioners, for the term of two years. Constables, and overseers of the poor, shall be elected by the voters as may be prescribed by law.

31. The officers mentioned in the preceding section, except the attorneys, shall reside in the counties or districts for which they were respectively elected. No person elected for two successive terms to the office of sheriff shall be re-eligible to the same office for the next succeeding term; nor shall he, during his term of service, or within one year thereafter, be eligible to any political office.

32. The justices of the peace, sheriffs, attorneys for the commonwealth, clerks of the circuit and county courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and, upon conviction thereof, their offices shall become vacant.

CORPORATION COURTS AND OFFICERS.

33. The general assembly may vest such jurisdiction as shall be deemed necessary in corporation courts, and in the magistrates who may belong to the corporate body.

34. All officers appertaining to the cities and other municipal corporations shall be elected by the qualified voters, or appointed by the constituted authorities of such cities or corporations as may be prescribed by law.

Done in convention, in the city of Richmond, on the first day of August, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the commonwealth of Virginia.

JOHN Y. MASON, *President of the Convention.*

S. D. WHITTLE *Secretary of the Convention.*

SCHEDULE.

1. It shall be the duty of the president of this convention, immediately on its adjournment, to certify to the governor a copy of the bill of rights and constitution adopted, together with this schedule.

2. Upon the receipt of such certified copy, the governor shall, forthwith, announce the fact by proclamation, to be published in such newspapers of the state as may be deemed requisite for general information; and shall annex to his proclamation a copy of the bill of rights and constitution, together with this schedule: which proclamation, bill of rights, constitution, and schedule, shall be published in the manner indicated for the period of one month; and ten printed copies thereof shall, by the secretary of the commonwealth, be immediately transmitted, by mail, to the clerk of each county and corporation court in this commonwealth, to be by such clerk submitted to the examination of any person desiring the same.

3. The officers authorized by existing laws to conduct general elections shall, at the places appointed for holding the same, open a poll book on the fourth Thursday in October next, to be headed, "The Constitution as amended, and Schedule," and to contain two separate columns; the first column to be headed "For Ratifying;" the other to be headed, "For Rejecting." And such officers, keeping said polls open for the space of three days, shall then and there receive, and record in said poll book, the votes for and against this constitution and schedule, of all persons qualified, under the existing or amended constitution, to exercise the right of suffrage.

4. The taking of the polls, the duties to be performed by the officers, the privilege of the voters, and the penalties attaching for misconduct on the part of any person, shall

be, in all things, as prescribed by the second, third, fourth, seventh, eighth, and ninth sections of the act of the general assembly, passed March the fourth, one thousand eight hundred and fifty, entitled, "An act to take the sense of the people upon the call of a convention, and providing for organizing the same," so far as the provisions of said section may be applicable.

5. It shall be the duty of the governor, upon receiving the returns of said officers, to ascertain the result thereof, and forthwith to declare the same by his proclamation, stating the aggregate vote in the state for and against the ratification of the amended constitution and schedule, which shall be published at least once a week until the second Monday in December next, in such newspapers as, in his opinion, will be best calculated to diffuse general information thereof: and if it appear that a majority of the votes cast is in favor of ratification, the governor, at the same time, and in like manner, shall make proclamation for holding, on the day last mentioned, a general election throughout the state for delegates and senators to the general assembly, according to the apportionment and districts prescribed in this constitution; and also for the election of a governor, lieutenant-governor, and attorney-general.

6. The officers authorized by existing laws to hold and conduct general elections shall hold and conduct the elections herein required, and such officers and all other persons shall be governed and controlled therein by the provisions of said laws, so far as the same may be applicable to, and necessary for, the proper conducting of the said elections. Duplicate polls shall be separately kept for governor and lieutenant-governor, for attorney-general, and for senators and delegates to the general assembly, which shall be verified by the oaths of the officers conducting the elections.

7. The verified duplicate polls for governor, lieutenant-governor, and attorney-general, shall be deposited with the clerks of the several counties and cities, who shall retain one in their respective offices, and transmit the other, by mail, to the secretary of the commonwealth.

8. In the election of senators and delegates for districts formed of more than one county and city, the officers conducting the same, at the court-houses of the several counties and cities forming each district, shall assemble on the eighth day after the commencement of the said election at the court-house of the county or city first named as one of the counties of the district, shall compare the polls and ascertain the result, and shall deliver and return certificates of election according to the laws now in force.

9. The members of the general assembly so elected shall meet at the capitol, in the city of Richmond, on the second Monday in January, in the year one thousand eight hundred and fifty-two, and then and there organize as the general assembly of Virginia; but before such organization they shall respectively take the oath of fidelity to the commonwealth, and the other oaths of office required by the laws now in force.

10. The election of members of the general assembly under this constitution shall vacate the seats of those elected under the present constitution

11. The official term of the delegates first elected to the general assembly under this constitution shall expire on the thirtieth day of June, in the year one thousand eight hundred and fifty-three.

12. The official term of the first governor, lieutenant-governor, and attorney-general elected under this constitution, shall expire on the thirty-first day of December, in the year one thousand eight hundred and fifty-five.

13. The present judges of the supreme court of appeals and of the circuit courts, and their successors, who may be appointed under the existing constitution, shall remain in office until such time as the law may prescribe for the commencement of the official terms of the judges under the amended constitution, and no longer: which time shall not be more than six months after the termination of the first session of the general assembly under the amended constitution.

14. The executive department of the government shall remain as at present organized; and the governor and

councillors of state, and their successors appointed under the existing constitution, shall continue in office until a governor elected under this constitution shall be qualified; and all other persons in office when this constitution is adopted, except as is herein otherwise expressly directed, shall continue in office until their successors are qualified: and vacancies in office, happening before such qualification, shall be filled in the manner now prescribed by law.

15. All the courts of justice now existing shall contine with their present jurisdiction until and except so far as the judicial system may or shall be otherwise organized; and all laws in force when this constitution is adopted, and not inconsistent therewith, and all rights, prosecutions, actions, claims, and contracts, shall remain and continue as if this constitution was not adopted.

16. The general assembly shall pass all laws necessary for carrying this constitution into full effect and operation.

Done in convention, in the city of Richmond, on the first day of August, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the commonwealth of Virginia.

JOHN Y. MASON, *President of the Convention.*

S. D. WHITTLE, *Secretary of the Convention.*

CONSTITUTION OF SOUTH CAROLINA

ARTICLE 1.

SEC. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a Senate and House of Representatives.

2. The House of Representatives shall be composed of members chosen by ballot, every second year, by the citizens of this State, qualified as in this Constitution is provided.

3. The several election districts in this State shall elect the following number of representatives, viz.:

Charleston, including St. Philip and St. Michael, fifteen members; Christ Church, three members; St. John, Berkely, three members; St. Andrew, three members; St. George, Dorchester, three members; St. James, Goose Creek, three members; St. Thomas and St. Dennis, three members; St. Paul, three members; St. Bartholomew, three members; St. James, Santee, three members; St. John, Colleton, three members; St. Stephen, three members; St. Helena, three members; St. Luke, three members; Prince William, three members; St. Peter, three members; All Saints, (including its ancient boundaries,) one member. Winyaw, (not including any part of All Saints,) three members; Kingston, (not including any part of All Saints,) two members; Williamsburgh, two members; Liberty, two members; Marlborough, two members; Chesterfield, two members; Darlington, two members; York, three members; Chester, two members; Fairfield, two members; Richland, two members; Lancaster, two members; Kershaw, two members; Claremont, two members; Clarendon, two members; Abbeville, three members; Edgefield, three members; Newberry, (including the fork between Broad and Saluda rivers,) three members; Laurens, three members; Union, two members; Spartan, two members; Greenville, two members; Pendleton, three members; St. Matthew, two members; Orange, two members; Winton, (including the district between Savannah river, and the north fork of Edisto, three members; Saxe Gotha, three members.

4. Every free white man, of the age of twenty-one years, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such freehold or town lot, hath been a resident in the election district, in which he offers to give his vote, six months

before the said election, and hath paid a tax the preceding year of three shillings sterling towards the support of this government, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

5. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this Constitution.

6. No person shall be eligible to a seat in the House of Representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives, unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate, of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

7. The Senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this State, qualified to elect members to the House of Representatives, at the same time, in the same manner, and at the same places, where they shall vote for representatives, viz.:

Charleston, (including St. Philip and St. Michael,) two members; Christ church, one member; St. John, Berkeley, one member; St. Andrew, one member; St. George, one member; St. James, Goose Creek, one member; St. Thomas and St. Dennis, one member; St. Paul, one member; St. Bartholomew, one member; St James, Santee, one member; St. John, Colleton, one member; St. Stephens, one member; St. Helena, one

member, St. Luke, one member; Prince William, one member; St. Peter, one member; All Saints, one member; Winyaw and Williamsburgh, one member; Liberty and Kingston one member; Marlborough, Chesterfield, and Darlington, two members; York, one member; Fairfield, Richland and Chester, one member; Lancaster and Kershaw, one member; Claremont and Clarendon, one member; Abbeville, one member; Edgefield, one member; Newbury, (including the fork between Broad and Saluda rivers,) one member; Laurens, one member; Union, one member; Spartan, one member; Greenville, one member; Pendleton, one member; St. Matthew and Orange, one member; Winton, (including the district between Savannah river and the north fork of Edisto,) one member; Saxe Gotha, one member.

8. No person shall be eligible to a seat in the Senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this State for five years previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

9. Immediately after the senators shall be assembled, in consequence of the first election, they shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class, at the end of the fourth year; so that one-half thereof, as near as possible, may be chosen, for ever thereafter, every second year, for the term of four years.

10. Senators and members of the House of Representatives, shall be chosen on the second Monday in October next, and the day following: and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed; and shall meet on the

fourth Monday in November annually, at Columbia, (which shall remain the seat of government until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation.) unless the casualties of war, or contagious disorders should render it unsafe to meet there; in either of which cases, the Governor or commander-in-chief for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

11. Each House shall judge of the elections, returns, and qualifications of its own members; and a majority of each House shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

12. Each House shall choose by ballot its own officers, determine its rules of proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

13. Each House may punish, by imprisonment, during sitting, any person, not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence—or who, during the time of its sitting, shall threaten harm to body or estate of any member, for any thing said or done in either House; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the House, in his going to or returning therefrom; or who shall rescue any person arrested by order of the House.

14. The members of both Houses shall be protected in their persons and estates, during their attendance on, going to, and returning from the legislature, and ten days previous to their sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

15. Bills for raising a revenue shall originate in the

House of Representatives, but may be altered, amended or rejected by the Senate.

All other bills may originate in either House, and may be amended, altered, or rejected by the other.

16. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each House, has had the great seal affixed to it, and has been signed, in the Senate-House, by the President of the Senate and Speaker of the House of Representatives.

17. No money shall be drawn out of the public treasury, but by the legislative authority of the State.

18. The members of the legislature, who shall assemble under this Constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to, and returning from the legislature: but the same may be increased or diminished by law, if circumstances shall require; but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

19. Neither House shall, during their session, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

20. No bill or ordinance, which shall have been rejected by either House shall be brought in again during the sitting, without leave of the House, and notice of six days being previously given.

21. No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this State, the United States, or either of them, or under any other power—except officers in the militia, army, or navy of this State, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this State, the United States, or either of them, or the agents of such contractor, be eligible to a seat in either House. And if any member shall accept or exercise any of said disqualifying officers, he shall vacate his seat.

22. If any election district shall neglect to choose a member or members, on the days of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or should die, depart the State, or accept any disqualifying office, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the State, or accepting a disqualifying office, was elected to serve.

23. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duty of their functions: therefore, no minister of the gospel, or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of Governor, Lieutenant-Governor, or a seat in the Senate or House of Representatives.

Article 2.

Sec. 1. The executive authority of this state shall be invested in a Governor, to be chosen in manner following: as soon as may be, after the first meeting of the Senate and House of Representatives and at every first meeting of the House of Representatives thereafter, when a majority of both Houses shall be present, the Senate and House of Representatives, shall, jointly, in the House of Representatives, choose, by ballot, a Governor, to continue for two years, and until a new election shall be made.

2. No person shall be eligible to the office of Governor, unless he hath attained the age of thirty years, and hath resided within this State, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person, having served two years as Governor, shall be re-eligible to that office, till after the expiration of four years.

No person shall hold the office of Governor, or any other office or commission, civil or military, except in the

militia, either in this State, or under any State, or the United States, or in any other power, at one and the same time.

3. A Lieutenant-Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor.

4. A member of the Senate or House of Representatives, being chosen, and acting as Governor or Lieutenant-Governor, shall vacate his seat, and another person shall be elected in his stead.

5. In case of the impeachment of the Governor, or his removal from office, death, resignation, or absence from the State, the Lieutenant-Governor shall succeed to his office. And in case of the impeachment of the Lieutenant-Governor, or his removal from office, death, resignation, or absence from the State, the President of the Senate shall succeed to his office, till a nomination to those offices respectively shall be made by the Senate and House of Representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

6. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the actual service of the United States.

7. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment, in such manner, on such terms, and under restrictions, as he shall think proper, and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

8. He shall take care that the laws be faithfully executed in mercy.

9. He shall have power to prohibit the exportation of provision, for any time not exceeding thirty days.

10. He shall at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected.

11. All officers in the executive department, when required by the Governor, shall give him information, in writing, upon any subject relating to the duties of their respective offices.

12. The Governor shall from time to time, give to the general Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

13. He may, on extraordinary occasions, convene the general Assembly, and, in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

Article 3.

Sec. 1. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

The judges of each shall hold their commissions during good behavior; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this State, the United States, or any other power.

2. The style of all processes shall be, "*the State of South Carolina.*" All prosecutions shall be carried on in the name and by the authority of the State of South Carolina, and conclude—"*against the peace and dignity of the same.*"

Article 4.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath: "I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and will, to the best of my abilities, dis-

charge the duties thereof, and preserve, protect, and defend the Constitution of this State, and of the United States."

Article 5.

Sec 1. That the House of Representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the House of Representatives.

2. All impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

3. The Governor, Lieutenant-Governor, and all the civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to a removal from office, and disqualification to hold any office of honor, trust, or profit, under this State. The party convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

Article 6.

Sec. 1. The judges of the superior courts, the commissioners of the treasury, secretary of the State, and surveyor-general, shall be elected by the joint ballot of both Houses, in the House of Representatives. The commissioners of the treasury, secretary of this State, and surveyor-general, shall hold their offices for four years: but shall not be eligible again for four years after the expiration of the time for which they shall have been elected.

2. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

3. All commissions shall be in the name and by the authority of the State of South Carolina, and be sealed with the seal of the State, and be signed by the Governor.

Article 7.

All laws in force in this State at the passing of this Constitution, shall so continue until altered or repealed by the legislature: except where they are temporary, in which case they shall expire at times respectively limited for their duration, if not continued by act of the legislature.

Article 8.

Sec. 1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, for ever hereafter, be allowed within this State to all mankind: Provided, that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

2. The rights, privileges, immunities, and estates of both civil and religious societies and of corporated bodies, shall remain as if the Constitution of this State had not been altered or amended.

Article 9.

Sec. 1. All power is originally vested in the people, and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness.

2. No freeman of this State shall be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land: nor shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the legislature of this State.

3. The military shall be subordinate to the civil power.

4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

5. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behavior.

6. The trial by jury, as heretofore used in this State, and the liberty of the press, shall be for ever inviolably preserved.

Article 10.

Sec. 1. The business of the treasury shall be in future conducted by two treasurers, one of whom shall hold his office and reside in Columbia; and the other shall hold his office and reside in Charleston.

2. The secretary of state and surveyor-general shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

3. At the conclusion of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgments, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials, and in arrest of judgment, and such points of law as may be submitted to them.

4. The Governor shall always preside, during the sitting of the legislature, at the place where their sessions may be held, and at all other times, wherever, in his opinion, the public good may require.

5. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogenitures, and for giving an equitable distribution of the real estate of intestates.

Article 11.

No Convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

No part of this Constitution shall be altered, unless a bill to alter the same shall have been read three times in the House of Representatives, and three times in the Senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to be published three months previous to a new election for members to the House of Repre

sentatives; and if the alteration proposed by the legislature shall be agreed to in their first session by two-thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution.

Done in Convention, at Columbia, in the State of South Carolina, the third day of June, in the year of our Lord 1790, and in the fourteenth year of the Independence of the United States of America.

By the unanimous order of the Convention,

CHARLES PINCKNEY, *President.*

AMENDMENTS.

Amendments ratified December 17, 1808.

The following sections, in amendment of the third, seventh, and ninth sections of the first article of the Constitution of this State, shall be, and they are hereby declared to be, valid parts of the said Constitution; and the said third, seventh, and ninth sections, or such parts thereof as are repugnant to such amendments, are hereby repealed and made void.

The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several election districts of the State, according to the number of white inhabitants contained, and the amount of all taxes raised by the legislature, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other district, and adding thereto all taxes elsewhere paid on account of property held in such district. An enumeration of the white inhabitants, for this purpose, shall be made in the year one thousand eight hundred and nine, and in the course of every tenth year thereafter, in such manner as shall be by law directed·

and representatives shall be assigned to the different districts in the above-mentioned proportion, by act of the legislature, at the session immediately succeeding the above enumeration.

If the enumeration herein directed should not be made in the course of the year appointed for the purpose by these amendments, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

In assigning representatives to the several districts of the State, the legislature shall allow one representative for every sixty-second part of the whole number of white inhabitants in the State; and one representative also for every sixty-second part of the whole taxes raised by the legislature of the State. The legislature shall further allow one representative for such fractions of the sixty-second part of the white inhabitants of the State, and of the sixty-second part of the taxes raised by the legislature of the State, as, when added together, form a unit.

In every apportionment of representation under these amendments, which shall take place after the first apportionment, the amount of taxes shall be estimated from the average of the ten preceding years; but the first apportionment shall be founded upon the tax of the preceding year, excluding from the amount thereof the whole produce of the tax on sales at public auction.

If, in the apportionment of representatives under these amendments, any election district shall appear not to be entitled, from its population and its taxes, to a representative, such election district shall, nevertheless, send one representative; and, if there should still be a deficiency of the number of representatives required by these amend ments, such deficiency shall be supplied by assigning representatives to those election districts having the largest surplus fractions; whether those fractions consist of a combination of population and of taxes, or of population or of taxes separately, until the number of one hundred and twenty-four members be provided.

No apportionment, under these amendments shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

The election districts, for members of the House of Representatives, shall be and remain as heretofore established, except Saxe Gotha and Newberry; in which the boundaries shall be altered, as follows, viz.: That part of Lexington in the fork of Broad and Saluda rivers shall no longer compose a part of the election district of Newberry, but shall be henceforth attached to, and form a part of, Saxe Gotha. And, also, except Orange and Barnwell, or Winton, in which the boundaries shall be altered, as follows, viz.: That part of Orange in the fork of Edisto shall no longer compose a part of the election district of Barnwell, or Winton, but shall be henceforth attached to, and form a part of, Orange election district.

The Senate shall be composed of one member from each election district, as now established for the election of members of the House of Representatives, except the district formed by the parishes of St. Philip and St. Michael, to which shall be allowed two senators as heretofore.

The seats of those senators who under the Constitution shall represent two or more election districts, on the day preceding the second Monday of October, which will be in the year one thousand eight hundred and ten, shall be vacated on that day, and the new senators who shall represent such districts under these amendments, shall, immediately after they shall have been assembled under the first election, be divided by lots into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class, at the expiration of the fourth year; and the number in these classes shall be so proportioned, that one-half of the whole number of senators may, as nearly as possible, continue to be chosen thereafter every second year.

None of these amendments becoming parts of the Constitution of this State shall be altered, unless a bill to alter the same shall have been read on three several days in the House of Representatives, and on three several days in the Senate, and agreed to at the second and third reading by two-thirds of the whole representation in each branch of the legislature; neither shall any alteration take place, until the bill so agreed to be published three months

previous to a new election for members to the House of Representatives; and if the alteration proposed by the legislature shall be agreed to in their first session, by two-thirds of the whole representation, in each branch of the legislature, after the same shall have been read on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution.

AMENDMENT RATIFIED DECEMBER 19, 1816.

That the third section of the tenth article of the Constitution of this State be altered and amended to read as follows: The judges shall, at such times and places as shall be prescribed by act of the legislature of this State, meet and sit for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgment, and such points of law as may be submitted to them.

CONSTITUTION OF OHIO.

We, the people of the state of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution.

Article 1.—*Bill of Rights.*

1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that

may not be altered, revoked, or repealed by the general assembly.

3. The people have a right to assemble together in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the general assembly for the redress of grievances.

4. The people have the right to bear arms for their defence and security; but standing armies in time of peace are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

5. The right of trial by jury shall be inviolate.

6. There shall be no slavery in this state, nor involuntary servitude, unless for the punishment of crime.

7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given by law to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion, and the public safety require it.

9. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual

service in time of war or public danger, and in cases of petit larceny and other inferior offences, no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offence.

11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

12. No person shall be transported out of the state, for any offence committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner prescribed by law.

14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

15. No person shall be imprisoned for debt in any civil action or mesne or final process, unless in cases of fraud.

16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation,

shall have remedy by due course of law; and justice administered without denial or delay.

17. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by this state.

18. No power of suspending laws shall ever be exercised, except by the general assembly.

19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public without charge, a compensation shall be made to the owner, in money; and, in all other cases where private property shall be taken for public use, a compensation therefor shall be first made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

ARTICLE 2.—*Legislative.*

1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

2. Senators and representatives shall be elected biennially, by the electors in the respective counties or districts, on the second Tuesday of October: their term of office shall commence on the first day of January next thereafter, and continue two years.

3. Senators and representatives shall have resided in their respective counties, or districts, one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state.

4. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in, the general assembly; but this provision shall not extend to

township officers, justices of the peace, notaries public, or officers of the militia.

5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this state; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the general assembly, until he shall have accounted for and paid such money into the treasury.

6. Each house shall be judge of the election, returns, and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law.

7. The mode of organizing the house of representatives, at the commencement of each regular session, shall be prescribed by law.

8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all other powers, necessary to provide for its safety, and the undisturbed transaction of its business.

9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed, in either house, without the concurrence of a majority of all the members elected thereto.

10. Any member of either house shall have the right to protest against any act or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

12. Senators and representatives, during the session of the general assembly, and in going to and returning from the same, shall be privileged from arrest, in all cases except treason, felony, or breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere.

13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that in which the two houses shall be in session.

15. Bills may originate in either house; but may be altered, amended, or rejected in the other.

16. Every bill shall be fully and distinctly read, on three different days, unless, in case of urgency, three-fourths of the house, in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived, or amended, unless the new act contain the entire act revived, or the section or sections amended; and the section or sections so amended shall be repealed.

17. The presiding officer of each house shall sign, publicly, in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the general assembly.

18. The style of the laws of this state shall be, "*Be it enacted by the General Assembly of the State of Ohio.*"

19. No senator or representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this state, which shall be created, or the emoluments of which shall have been increased, during the term for which he shall have been elected.

20. The general assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect

the salary of any officer during his existing term, unless the office be abolished.

21. The general assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

23. The house of representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

24. The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

25. All regular sessions of the general assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

26. All laws of a general nature shall have a uniform operation throughout the state; nor shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the general assembly, except as otherwise provided in this constitution.

27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the general assembly, except as prescribed in this constitution, and in

the election of United States senators; and in these cases the vote shall be taken "*viva voce.*"

28. The general assembly shall have no power to pass, but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state.

29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject-matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the general assembly.

30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants may be divided whenever a majority of the voters, residing in each of the proposed divisions, shall approve of the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

31. The members and officers of the general assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

32. The general assembly shall grant no divorce, nor exercise any judicial power, not herein expressly conferred.

ARTICLE 3.—*Executive.*

1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and an attorney-general, who shall be chosen by the electors of the state, on the second Tuesday of October, and at the places of voting for members of the general assembly.

2. The governor, lieutenant-governor, secretary of state, treasurer, and attorney-general, shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

4. Should there be no session of the general assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

5. The supreme executive power of this state shall be vested in the governor.

6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

7. He shall communicate at every session, by message, to the general assembly, the condition of the state, and recommend such measures as he shall deem expedient.

8. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

9. In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the general assembly to such time as he may think proper, but not beyond the regular meetings thereof.

10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

11. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the general assembly, at its next meeting, when the general assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the general assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called "The Great Seal of the State of Ohio."

13. All grants and commissions shall be issued in the name, and by the authority, of the state of Ohio; sealed with the Great Seal; signed by the governor, and countersigned by the secretary of state.

14. No member of congress, or other person holding office under the authority of this state or of the United States, shall execute the office of governor, except as herein provided.

15. In case of death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term, or until

he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

16. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

17. If the lieutenant-governor, while executing the office of governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor, until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

18. Should the office of auditor, treasurer, secretary, or attorney-general, become vacant for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

19. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

20. The officers of the executive department, and of the public state institutions, shall, at least five days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message, to the general assembly.

ARTICLE 4.—*Judicial.*

1. The judicial power of the state shall be vested in a supreme court, in district courts, courts of common

pleas, courts of probate, justices of the peace, and in such other courts, inferior to the supreme court, in one or more counties, as the general assembly may from time to time establish.

2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, or to pronounce a decision. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year, at the seat of government, and such other terms, at the seat of government, or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large.

3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory, and bounded by county lines; and each of said districts, consisting of three or more counties, shall be subdivided into three parts, of compact territory, bounded by county lines, and as nearly equal in population as practicable; in each of which, one judge of the court of common pleas for the said district, and residing therein, shall be elected by the electors of said subdivision. Courts of common pleas shall be held, by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court, or sitting thereof, may be held at the same time in each district.

4. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law.

5. District courts shall be composed of the judges of the courts of common pleas of the respective districts, and one of the judges of the supreme court, any three of whom shall be a quorum, and shall be held in each county therein, at least once in each year; but, if it shall be found inexpedient to hold such court annually, in each county, of any district, the general assembly may, for such district, provide that said court shall hold at least three annual sessions therein, in not less than three places: Provided, that the general assembly may, by law, authorize

the judges of each district to fix the times of holding the courts therein.

6. The district court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law.

7. There shall be established in each county a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters of the county, who shall hold his office for the term of three years, and shall receive such compensation, payable out of the county treasury, or by fees, or both, as shall be provided by law.

8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators, and guardians, and such jurisdiction in habeas corpus, the issuing of marriage-licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdiction, in any county or counties, as may be provided by law.

9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

11. The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot, so that one shall hold for the term of one year, one for two years, one for three years, one for four years, and one for five years; and at all subsequent elections the term of each of the said judges shall be for five years.

12. The judges of the courts of common pleas shall, while in office, reside in the district for which they are elected; and their term of office shall be for five years.

13. In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified;

and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

14. The judges of the supreme court, and of the court of common pleas, shall, at stated times, receive, for their services, such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this state, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the general assembly, or the people, shall be void.

15. The general assembly may increase or diminish the number of the judges of the supreme court, the number of the districts of the court of common pleas, the number of judges in any district, change the districts, or the subdivisions thereof, or establish other courts, whenever two-thirds of the members elected to each house shall concur therein; but no such change, addition, or diminution, shall vacate the office of any judge.

16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but the general assembly may provide, by law, for the election of a clerk, with a like term of office, for each or any other courts of records, and may authorize the judge of the probate court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause, and in such manner, as shall be prescribed by law.

17. Judges may be removed from office, by concurrent resolutions of both houses of the general assembly, if two-thirds of the members, elected to each house, concur therein; but no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor until the party charged shall have had notice thereof, and an opportunity to be heard.

18. The several judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

19. The general assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment, in any case, except upon submission, by the parties, of the matter in dispute, and their agreement to abide such judgment.

20. The style of all process shall be, "The State of Ohio;" all prosecutions shall be carried on in the name, and by the authority, of the state of Ohio; and all indictments shall conclude, "against the peace and dignity of the state of Ohio."

Article 5.—*Elective Franchise.*

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

2. All elections shall be by ballot.

3. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony, and breach of the peace.

4. The general assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or otherwise infamous crime.

5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military or naval station, within the state, be considered a resident of this state.

6. No idiot, or insane person, shall be entitled to the privileges of an elector.

ARTICLE 6.—*Education.*

1. The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or intrusted to this state for educational and religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants, or appropriations.

2. The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

ARTICLE 7.—*Public Institutions.*

1. Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the state, and be subject to such regulations as may be prescribed by the general assembly.

2. The directors of the penitentiary shall be appointed or elected in such manner as the general assembly may direct; and the trustees of the benevolent, and other state institutions, now elected by the general assembly, and of such other state institutions as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays and entered upon the journals of the senate.

3. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the general assembly, and until a successor to his appointee shall be confirmed and qualified.

ARTICLE 8.—*Public Debt and Public Works.*

1. The state may contract debts, to supply casual deficits or failures in revenues, or to meet expenses not

otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money, arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

2. In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness of the state; but the money, arising from the contracting of such debts, shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts, incurred to redeem the present outstanding indebtedness of the state, shall be so contracted as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

3. Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by, or on behalf of, the state.

4. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the state ever hereafter become a joint owner, or stockholder, in any company or association, in this state, or elsewhere, formed for any purpose whatever.

5. The state shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the state in war.

6. The general assembly shall never authorize any county, city, town, or township, by vote of its citizens, or otherwise, to become a stockholder in any joint-stock company, corporation, or association whatever; or to raise money for, or loan its credit to, or in aid of, any such company, corporation, or association.

7. The faith of the state being pledged for the payment of its public debt, in order to provide therefor, there

shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of six per cent. per annum. The said sinking fund shall consist of the net annual income of the public works and stocks owned by the state, or any other funds or resources that are, or may be, provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

8. The auditor of state, secretary of state, and attorney-general, are hereby created a board of commissioners, to be styled "The Commissioners of the Sinking Fund."

9. The commissioners of the sinking fund shall, immediately preceding each regular session of the general assembly, make an estimate of the probable amount of the fund provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same, with his regular message, to the general assembly; and the general assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

10. It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be, by the general assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only the school and trust funds held by the state.

11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately cause the same to be published, and shall also communicate the same to the general assembly, forthwith, if it be in session, and if not, then at its first session after such report shall be made.

12. So long as this state shall have public works, which require superintendence, there shall be a board of public

works, to consist of three members, who shall be elected by the people, at the first general election after the adoption of this constitution, one for the term of one year, one for the term of two years, and one for the term of three years; and one member of said board shall be elected annually thereafter, who shall hold his office for three years.

13. The powers and duties of said board of public works and its several members, and their compensation, shall be such as now are, or may be, prescribed by law.

ARTICLE 9.—*Militia.*

1. All white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the constitution and laws of the United States, as may be prescribed by law.

2. Majors-general, brigadiers-general, colonels, lieutenant-colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty, in their respective districts.

3. The governor shall appoint the adjutant-general, quartermaster-general, and such other staff officers as may be provided for by law. Majors-general, brigadiers-general, colonels or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

4. The governor shall commission all officers of the line and staff, ranking as such, and shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection and repel invasion.

5. The general assembly shall provide by law for the protection and safe-keeping of the public arms.

ARTICLE 10.—*County and Township Organizations.*

1. The general assembly shall provide, by law, for the election of such county and township officers as may be necessary.

2. County officers shall be elected on the second Tuesday of October, until otherwise directed by law, by the qualified electors of each county, in such manner, and for such term, not exceeding three years, as may be provided by law.

3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years in any period of six years.

4. Township officers shall be elected on the first Monday of April, annually, by the qualified electors of their respective townships, and shall hold their offices for one year, from the Monday next succeeding their election, and until their successors are qualified.

5. No money shall be drawn from any county or township treasury, except by authority of law.

6. Justices of the peace, and county and township officers, may be removed, in such manner and for such cause, as shall be prescribed by law.

7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE 11.—*Apportionment.*

1. The apportionment of this state for members of the general assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the general assembly may direct, shall be divided by the number "One hundred," and the quotient shall be the ratio of representation in the house of representatives for ten years next succeeding such apportionment.

2. Every county, having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county, containing three times said ratio, shall be entitled to three representatives: and so on, requiring after the first two an entire ratio for each additional representative.

3. When any county shall have a fraction above the ratio, so large that, being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a representative shall be allotted to the fourth and third sessions respectively; if three, to the third, second, and first sessions respectively; if four, to the fourth, third, second, and first sessions respectively.

4. Any county forming with another county or counties a representative district during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative; but no such change shall be made, except at the regular decennial period for the apportionment of representatives.

5. If, in fixing any subsequent ratio, a county, previously entitled to a separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it having the least number of inhabitants; and the representation of the district so formed shall be determined as herein provided.

6. The ratio for a senator shall, forever hereafter, be ascertained by dividing the whole population of the state by the number thirty-five.

7. The state is hereby divided into thirty-three senatorial districts, as follows: The county of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton, and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto, and Jackson, the seventh; Lawrence, Gallia, Meigs, and Vinton, the eighth; Athens, Hocking, and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign, and Madison, the eleventh; Miami, Darke, and Shelby, the twelfth; Logan, Union, Marion, and Hardin, the thirteenth; Washington

and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake, and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry, and Putnam, the thirty-third. For the first decennial period after the adoption of this constitution, each of said districts shall be entitled to one senator, except the first district, which shall be entitled to three senators.

8. The same rules shall be applied, in apportioning the fractions of senatorial districts, and in annexing districts which may hereafter have less than three-fourths of a senatorial ratio, as are applied to representative districts.

9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

10. For the first ten years after the year one thousand eight hundred and fifty-one, the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation, as herein established, or in the senatorial districts, except as above provided. All territory, belonging to a county at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

11. The governor, auditor, and secretary of state, or any two of them, shall, at least six months prior to the

October election in the year one thousand eight hundred and sixty-one, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years; and the governor shall cause the same to be published, in such manner as shall be directed by law.

JUDICIAL APPORTIONMENT.

12. For judicial purposes, the state shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold separate courts, or separate sittings of the same court, at the same time.

The counties of Butler, Preble, and Darke shall constitute the first subdivision, Montgomery, Miami, and Champaign, the second, and Warren, Clinton, Greene, and Clark, the third subdivision, of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union, and Marion shall constitute the first subdivision, Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry, and Fulton, the second, and Wood, Seneca, Hancock, Wyandot, and Crawford, the third subdivision, of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie, and Huron shall constitute the first subdivision, Lorain, Medina, and Summit, the second, and the county of Cuyahoga, the third subdivision, of the fourth district; and, together, shall form such district.

The counties of Clermont, Brown, and Adams shall constitute the first subdivision, Highland, Ross, and Fayette, the second, and Pickaway, Franklin, and Madison the third subdivision, of the fifth district: and, together, shall form such district.

The counties of Licking, Knox, and Delaware shall constitute the first subdivision, Morrow, Richland, and

Ashland, the second, and Wayne, Holmes, and Coshocton, the third subdivision, of the sixth district; and, together, shall form such district.

The counties of Fairfield, Perry, and Hocking shall constitute the first subdivision, Jackson, Vinton, Pike, Scioto, and Lawrence, the second, and Gallia, Meigs, Athens, and Washington, the third subdivision, of the seventh district; and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision, Guernsey, Belmont, and Monroe, the second, and Jefferson, Harrison, and Tuscarawas, the third subdivision, of the eighth district; and, together, shall form such district.

The counties of Stark, Carroll, and Columbiana shall constitute the first subdivision, Trumbull, Portage, and Mahoning, the second, and Geauga, Lake, and Ashtabula, the third subdivision, of the ninth district; and, together, shall form such district.

13. The general assembly shall attach any new counties, that may hereafter be erected, to such districts, or subdivisions thereof, as shall be most convenient.

Article 12.—*Finance and Taxation.*

1. The levying of taxes, by the poll, is grievous and oppressive; therefore, the general assembly shall never levy a poll tax, for county or state purposes.

2. Laws shall be passed, taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise: and also all real and personal property, according to its true value in money; but burying-grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property, to an amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation: but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published, as may be directed by law.

3. The general assembly shall provide by law for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues of every description (without deduction) of all banks, now existing, or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.

4. The general assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay the interest on the state debt.

5. No tax shall be levied, except in pursuance of law; and every law imposing a tax shall state, distinctly, the object of the same, to which only it shall be applied.

6. The state shall never contract any debt for purposes of internal improvement.

Article 13.—*Corporations.*

1. The general assembly shall pass no special act conferring corporate powers.

2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed.

3. Dues from corporations shall be secured, by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases, each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation: which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

6. The general assembly shall provide for the organization of cities, incorporated villages, by general laws; and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

7. No act of the general assembly, authorizing associations with banking powers, shall take effect, until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

ARTICLE 14.—*Jurisprudence.*

1. The general assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of proceeding, without reference to any distinction between law and equity.

3. The proceedings of the commissioners shall, from time to time, be reported to the general assembly, and be subject to the action of that body.

ARTICLE 15.—*Miscellaneous.*

1. Columbus shall be the seat of government, until otherwise directed by law.

2. The printing of the laws, journals, bills, legislative documents, and papers for each branch of the general assembly, with the printing required for the executive and other departments of state, shall be let, on contract, to the lowest responsible bidder, by such executive officers, and in such manner, as shall be prescribed by law.

3. An accurate and detailed statement of the receipts

and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

4. No person shall be elected or appointed to any office in this state, unless he possess the qualifications of an elector.

5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in this state.

6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this state.

7. Every person chosen or appointed to any office under this state, before entering upon the discharge of his duties, shall take an oath or affirmation, to support the constitution of the United States, and of this state, and also an oath of office.

8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

Article 16.—*Amendments.*

1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper in each county of the state, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors, for their approval or rejection; and if a majority of the electors, voting at such election, shall adopt such amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted, as to enable the electors to vote on each amendment separately.

2. Whenever two-thirds of the members elected to each branch of the general assembly shall think it necessary to call a convention, to revise, amend, or change this constitution, they shall recommend to the electors to vote, at

the next election for members of the general assembly, for or against a convention; and if a majority of all the electors, voting at said election, shall have voted for a convention, the general assembly shall, at their next session, provide, by law, for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

3. At the general election, to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, the question, "Shall there be a Convention to revise, alter, or amend the Constitution?" shall be submitted to the electors of the state; and in case a majority of all the electors, voting at such election, shall decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

SCHEDULE.

1. All laws of this state, in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force, until amended or repealed.

2. The first election for members of the general assembly, under this constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

3. The first election for governor, lieutenant-governor, auditor, treasurer, and secretary of state, and attorney-general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons, holding said offices on the first day of September, one

thousand eight hundred and fifty-one, shall continue therein, until the second Monday of January, one thousand eight hundred and fifty-two.

4. The first election for judges of the supreme court, courts of common pleas, and probate courts, and clerks of the courts of common pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and clerks of the courts of common pleas and supreme court, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties, until the second Monday of February, one thousand eight hundred and fifty-two. No suit or proceeding, pending in any of the courts of this state, shall be affected by the adoption of this constitution.

5. The register and receiver of the land office, directors of the penitentiary, directors of the benevolent institutions of the state, the state librarian, and all other officers, not otherwise provided for in this constitution, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively, unless the general assembly shall otherwise provide.

6. The superior and commercial courts of Cincinnati, and the superior court of Cleveland, shall remain, until otherwise provided by law, with their present powers and jurisdiction; and the judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until the expiration of their terms of office, respectively, or until otherwise provided by law; but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three; and no suit shall be commenced in said two first-mentioned courts, after the second Monday of February, one thousand eight hundred and fifty-two, nor in said last-mentioned court, after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said courts, not

disposed of within the time limited for their continuance as aforesaid, shall be transferred to the court of common pleas.

7. All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled as is now prescribed by law, and until officers are elected or appointed, and qualified under this constitution.

9. This constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

10. All officers shall continue in office until their successors shall be chosen and qualified.

11. Suits pending in the supreme court in banc shall be transferred to the supreme court, provided for in this constitution, and be proceeded in according to law.

12. The district courts shall, in their respective counties, be the successors of the present supreme court; and all suits, prosecutions, judgments, records, and proceedings, pending and remaining in said supreme court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in, as though no change had been made in said supreme court.

13. The said courts of common pleas shall be the successors of the present courts of common pleas in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records, and judgments, pending or being in said last-mentioned courts, except as aforesaid, shall be transferred to the courts of common pleas created by this constitution, and proceeded in as though the same had been therein instituted.

14. The probate courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present courts of common pleas; and the records, files, and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said

courts of probate, and be there proceeded in, according to law.

15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll books returned, as is provided for governer, and the abstract therefrom, certified to the secretary of state, shall be by him opened, in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

16. Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of elections shall be sent to the county having the largest population.

17. The foregoing constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "New Constitution, Yes;" those against the constitution, "New Constitution, No." The polls at the said election shall be opened between the hours of eight and ten o'clock, A.M., and closed at six o'clock, P.M.; and the said election shall be conducted, and the returns thereof made and certified, to the secretary of state, as provided by law for annual elections of state and county officers. Within twenty days after such election, the secretary of state shall open the returns thereof, in the presence of the governor; and if it shall appear that a majority of all the votes, cast at such election, are in favor of the constitution, the governor shall issue his proclamation, stating that fact, and said constitution shall be the constitution of the state of Ohio, and not otherwise.

18. At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution, the additional section, in the words following, to wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to wit: A separate ballot

may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors, Yes;" and upon the ballots given against said amendment, in like manner, the words: "License to sell intoxicating liquors, No." If, at the said election, a majority of all the votes given for and against said amendment shall contain the words: "License to sell intoxicating liquors, No," then the said amendment shall be a separate section of article fifteen of the constitution.

19. The apportionment for the house of representatives, during the first decennial period under this constitution, shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby, and Union, shall, severally, be entitled to one representative, in each session of the decennial period.

The counties of Franklin, Licking, Montgomery, and Stark, shall each be entitled to two representatives, in each session of the decennial period.

The counties of Ashland, Coshockton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit, and Warren, shall, severally, be entitled to one representative, in each session; and one additional representative, in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Washington, shall, severally, be entitled to one representative, in each session; and two additional representatives, one in the third, and one in the fourth, session of the decennial period.

The counties of Belmont, Columbiana, Ross, and Wayne, shall, severally, be entitled to one representative, in each session; and three additional representatives, one in the first, one in the second, and one in the third, session of each decennial period.

The county of Muskingum shall be entitled to two representatives, in each session; and one additional representative, in the fifth session of the decennial period.

The county of Cuyahoga shall be entitled to two representatives, in each session; and two additional representatives, one in the third, and one in the fourth, session of the decennial period.

The county of Hamilton shall be entitled to seven representatives, in each session; and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth, session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in manner following, to wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance, and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative, in every session of the decennial period.

Done in convention, at Cincinnati, the tenth day of March, in the year of our Lord one thousand eight hundred and fifty-one, and of the Independence of the United States the seventy-fifth.

WILLIAM MEDILL, *President.*

(Attest) WM. H. GILL, *Secretary.*

CONSTITUTION OF KENTUCKY.

PREAMBLE.

WE, the representatives of the people of the state of Kentucky, in convention assembled, to secure to all the

citizens thereof the enjoyment of the rights of life, liberty, and property, and of pursuing happiness, do ordain and establish this constitution for its government:

ARTICLE 1.—*Concerning the Distribution of the Powers of Government.*

§ 1. The powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative to one, those which are executive to another, and those which are judiciary to another.

§ 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE 2.—*Concerning the Legislative Department.*

§ 1. The legislative power shall be vested in a house of representatives and senate, which together shall be styled the general assembly of the commonwealth of Kentucky.

§ 2. The members of the house of representatives shall continue in service for the term of two years from the day of the general election, and no longer.

§ 3. Representatives shall be chosen on the first Monday in August, in every second year, and the mode of holding the elections shall be regulated by law.

§ 4. No person shall be a representative, who, at the time of his election, is not a citizen of the United States, has not attained the age of twenty-four years, and who has not resided in this state two years next preceding his election, and the last year thereof in the county, town, or city, for which he may be chosen.

§ 5. The general assembly shall divide each county of this commonwealth into convenient election precincts, or may delegate power to do so to such county authorities as may be designated by law; and elections for representatives for the several counties shall be held at the places

of holding their respective courts, and in the several election precincts into which the counties may be divided: *Provided*, that when it shall appear to the general assembly that any city or town hath a number of qualified voters equal to the ratio then fixed, such city or town shall be invested with the privilege of a separate representation, in either or both houses of the general assembly, which shall be retained so long as such city or town shall contain a number of qualified voters equal to the ratio which may, from time to time, be fixed by law; and, thereafter, elections for the county in which such city or town is situated, shall not be held therein; but such city or town shall not be entitled to a separate representation, unless such county, after the separation, shall also be entitled to one or more representatives. That whenever a city or town shall be entitled to a separate representation in either house of the general assembly, and by its numbers shall be entitled to more than one representative, such city or town shall be divided, by squares which are contiguous, so as to make the most compact form, into representative districts, as nearly equal as may be, equal to the number of representatives to which such city or town may be entitled; and one representative shall be elected from each district. In like manner shall said city or town be divided into senatorial districts, when, by the apportionment, more than one senator shall be allotted to such city or town; and a senator shall be elected from each senatorial district; but no ward or municipal division shall be divided by such division of senatorial or representative districts, unless it be necessary to equalize the elective, senatorial, or representative districts.

§ 6. Representation shall be equal and uniform in this commonwealth, and shall be forever regulated and ascertained by the number of qualified voters therein. In the year 1850, again in the year 1857, and every eighth year thereafter, an enumeration of all the qualified voters of the state shall be made; and to secure uniformity and equality of representation, the state is hereby laid off into ten districts. The first district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Union, Hop-

kins, Caldwell, and Trigg. The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Hancock, Ohio, Breckinridge, Meade, Grayson, Butler, and Edmonson. The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Allen, Monroe, Barren, and Hart. The fourth district shall be composed of the counties of Cumberland, Adair, Green, Taylor, Clinton, Russell, Wayne, Pulaski, Casey, Boyle, and Lincoln. The fifth district shall be composed of the counties of Hardin, Larue, Bullitt, Spencer, Nelson, Washington, Marion, Mercer, and Anderson. The sixth district shall be composed of the counties of Garrard, Madison, Estill, Owsley, Rockcastle, Laurel, Clay, Whitley, Knox, Harlan, Perry, Letcher, Pike, Floyd, and Johnson. The seventh district shall be composed of the counties of Jefferson, Oldham, Trimble, Carroll, Henry, and Shelby, and the city of Louisville. The eighth district shall be composed of the counties of Bourbon, Fayette, Scott, Owen, Franklin, Woodford, and Jessamine. The ninth district shall be composed of the counties of Clarke, Bath, Montgomery, Fleming, Lewis, Greenup, Carter, Lawrence, Morgan, and Breathitt. The tenth district shall be composed of the counties of Mason, Bracken, Nicholas, Harrison, Pendleton, Campbell, Grant, Kenton, Boone, and Gallatin. The number of representatives shall, at the several sessions of the general assembly next after the making of the enumerations, be apportioned among the ten several districts, according to the number of qualified voters in each; and the representatives shall be apportioned, as near as may be, among the counties, towns, and cities in each district; and in making such apportionment the following rules shall govern, to wit: Every county, town, or city having the ratio shall have one representative; if double the ratio, two representatives, and so on. Next, the counties, towns, or cities having one or more representatives, and the largest number of qualified voters above the ratio, and counties having the largest number under the ratio shall have a representative, regard being always had to the greatest number of qualified voters: *Provided*, that when a county may not have a sufficient number of qualified voters to entitle it

to one representative, then such county may be joined to some adjacent county or counties, which counties shall send one representative. When a new county shall be formed of territory belonging to more than one district, it shall form a part of that district having the least number of qualified voters.

§ 7. The house of representatives shall choose its speaker and other officers.

§ 8. Every free white male citizen, of the age of twenty-one years, who has resided in the state two years, or in the county, town, or city, in which he offers to vote, one year next preceding the election, shall be a voter; but such voter shall have been, for sixty days next preceding the election, a resident of the precinct in which he offers to vote, and he shall vote in said precinct, and not elsewhere.

§ 9. Voters, in all cases except treason, felony, breach or surety of the peace, shall be privileged from arrest during their attendance at, going to, and returning from elections.

§ 10. Senators shall be chosen for the term of four years, and the senate shall have power to choose its officers biennially.

§ 11. Senators and representatives shall be elected, under the first apportionment after the adoption of this constitution, in the year 1851.

§ 12. At the session of the general assembly next after the first apportionment under this constitution, the senators shall be divided by lot, as equally as may be, into two classes: the seats of the first class shall be vacated at the end of two years from the day of the election, and those of the second class at the end of four years, so that one-half shall be chosen every two years.

§ 13. The number of representatives shall be one hundred, and the number of senators thirty-eight.

§ 14. At every apportionment of representation, the state shall be laid off into thirty-eight senatorial districts, which shall be so formed as to contain, as near as may be, an equal number of qualified voters, and so that no county shall be divided in the formation of a senatorial district, except such county shall be entitled, under the enumera-

tion, to two or more senators; and where two or more counties compose a district they shall be adjoining.

§ 15. One senator for each district shall be elected by the qualified voters therein, who shall vote in the precincts where they reside, at the places where elections are by law directed to be held.

§ 16. No person shall be a senator who, at the time of his election, is not a citizen of the United States; has not attained the age of thirty years, and who has not resided in this state six years next preceding his election, and the last year thereof in the district for which he may be chosen.

§ 17. The election for senators, next after the first apportionment under this constitution, shall be general throughout the state, and at the same time that the election for representatives is held, and thereafter, there shall be a biennial election for senators to fill the places of those whose term of service may have expired.

§ 18. The general assembly shall convene on the first Monday in November, after the adoption of this constitution, and again on the first Monday in November, 1851, and on the same day of every second year thereafter, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

§ 19. Not less than a majority of the members of each house of the general assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed thereby.

§ 20. Each house of the general assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

§ 21. Each house of the general assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

§ 22. Each house of the general assembly shall keep and publish, weekly, a journal of its proceedings, and the

yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

§ 23. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

§ 24. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be three dollars a day during their attendance on, and twelve and a half cents per mile for the necessary travel in going to and returning from, the sessions of their respective houses: *Provided*, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made; nor shall a session of the general assembly continue beyond sixty days, except by a vote of two-thirds of all the members elected to each house, but this shall not apply to the first session held under this constitution.

§ 25. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 26. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices or appointments as may be filled by the election of the people.

§ 27. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, nor while he holds or exercises any office of profit under this commonwealth, or under the government of the United States, shall be eligible to the general assembly, except attorneys-at-law, justices of the peace, and militia officers: *Provided*, that

attorneys for the commonwealth, who receive a fixed annual salary, shall be ineligible.

§ 28. No person who, at any time, may have been a collector of taxes or public moneys for the state, or the assistant or deputy of such collector, shall be eligible to the general assembly unless he shall have obtained a quietus, six months before the election, for the amount of such collection, and for all public moneys for which he may have been responsible.

§ 29. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon, unless, in cases of urgency, four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

§ 30. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, as in other bills: *Provided*, that they shall not introduce any new matter, under color of amendment, which does not relate to raising revenue.

§ 31. The general assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

§ 32. The general assembly shall have no power to grant divorces, to change the names of individuals, or direct the sales of estates belonging to infants, or other persons laboring under legal disabilities, by special legislation; but by general laws shall confer such powers on the courts of justice.

§ 33. The credit of this commonwealth shall never be given or loaned in aid of any person, association, municipality, or corporation.

§ 34. The general assembly shall have no power to pass laws to diminish the resources of the sinking fund, as now established by law, until the debt of the state be paid, but may pass laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the state debt, and to no other use or pur-

pose, until the whole debt of the state is fully paid and satisfied.

§ 35. The general assembly may contract debts to meet casual deficits or failures in the revenue, but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars; and the moneys arising from loans creating such debts shall be applied to the purposes for which they were obtained, or to repay such debts: *Provided*, that the state may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defence.

§ 36. No act of the general assembly shall authorize any debt to be contracted on behalf of the commonwealth, except for the purposes mentioned in the thirty-fifth section of this article, unless provisions be made therein to lay and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years: nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, that the general assembly may contract debts, by borrowing money to pay any part of the debt of the state, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

§ 37. No law, enacted by the general assembly, shall relate to more than one subject, and that shall be expressed in the title.

§ 38. The general assembly shall not change the venue in any criminal or penal prosecution, but shall provide for the same by general laws.

§ 39. The general assembly may pass laws authorizing writs of error in criminal or penal cases, and regulating the right of challenge of jurors therein.

§ 40. The general assembly shall have no power to pass any act, or resolution, for the appropriation of any money, or the creation of any debt, exceeding the sum of one hundred dollars, at any one time, unless the same, on its final passage, shall be voted for by a majority of all the mem-

bers then elected to each branch of the general assembly, and the yeas and nays thereon entered on the journal.

ARTICLE 3.—*Concerning the Executive Department.*

§ 1. The supreme executive power of the commonwealth shall be vested in a chief magistrate, who shall be styled the governor of the commonwealth of Kentucky.

§ 2. The governor shall be elected for the term of four years, by the qualified voters of the state, at the time when, and places where, they shall respectively vote for representatives. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the general assembly may direct.

§ 3. The governor shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

§ 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years next preceding his election.

§ 5. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding the day of the general election on which he shall have been chosen, and shall continue in the execution thereof until his successor shall have taken the oaths, or affirmations, prescribed by this constitution.

§ 6. No member of Congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor.

§ 7. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he was elected.

§ 8. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the general assembly.

§ 9. He shall have power to fill vacancies that may occur, by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this constitution.

§ 10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the general assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the clerk, sheriff, or commonwealth's attorney, in penal or criminal cases.

§ 11. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

§ 12. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he may deem expedient.

§ 13. He may, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months.

§ 14. He shall take care that the laws be faithfully executed.

§ 15. A lieutenant-governor shall be chosen at every regular election for governor, in the same manner, to continue in office for the same time, and possess the same qualifications, as the governor. In voting for governor and lieutenant-governor, the electors shall state for whom they vote as governor, and for whom as lieutenant-governor.

§ 16. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects, and, when the senate are equally divided, to give the casting vote.

§ 17. Should the governor be impeached, removed from

office, die, refuse to qualify, resign, or be absent from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly elected and qualified, or the governor absent or impeached shall return or be acquitted.

§ 18. Whenever the government shall be administered by the lieutenant-governor, or he shall fail to attend as speaker of the senate, the senators shall elect one of their own members as speaker for that occasion. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government: *Provided*, that whenever a vacancy shall occur in the office of governor, before the first two years of the term shall have expired, a new election for governor shall take place to fill such vacancy.

§ 19. The lieutenant-governor, or speaker *pro tempore* of the senate, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government, as governor, shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

§ 20. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary of state, for the time-being, to convene the senate for the purpose of choosing a speaker.

§ 21. The governor shall nominate, and, by and with the advice and consent of the senate, appoint, a secretary of state, who shall be commissioned during the term for which the governor was elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either house of the

general assembly; and shall perform such other duties as may be required of him by law.

§ 22. Every bill which shall have passed both houses shall be presented to the governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be considered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journals of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

§ 23. Every order, resolution, or vote, in which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

§ 24. Contested elections for governor and lieutenant-governor shall be determined by both houses of the general assembly, according to such regulations as may be established by law.

§ 25. A treasurer shall be elected by the qualified voters of the state, for the term of two years; and an auditor of public accounts, register of the land-office, and attorney-general, for the term of four years. The duties and responsibilities of these officers shall be prescribed by law: *Provided*, that inferior state officers, not specially

provided for in this constitution, may be appointed, or elected, in such manner as shall be prescribed by law, for a term not exceeding four years.

§ 26. The first election, under this constitution, for governor, lieutenant-governor, treasurer, auditor of public accounts, register of the land-office, and attorney-general, shall be held on the first Monday in August in the year 1851.

ARTICLE 4.—*Concerning the Judicial Department.*

§ 1. The judicial power of this commonwealth, both as to matters of law and equity, shall be vested in one supreme court, (to be styled the court of appeals,) the courts established by this constitution, and such courts, inferior to the supreme court, as the general assembly may, from time to time, erect and establish.

CONCERNING THE COURT OF APPEALS.

§ 2. The court of appeals shall have appellate jurisdiction only, which shall be coextensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may, from time to time, be prescribed by law.

§ 3. The judges of the court of appeals shall, after their first term, hold their offices for eight years from and after their election, and until their successors shall be duly qualified, subject to the conditions hereinafter prescribed; but for any reasonable cause, the governor shall remove any of them on the address of two-thirds of each house of the general assembly: *Provided, however*, that the cause or causes for which such removal may be required shall be stated at length in such address, and on the journal of each house. They shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during the time for which they shall have been elected.

§ 4. The court of appeals shall consist of four judges, any three of whom may constitute a court for the transaction of business. The general assembly, at its first session

after the adoption of this constitution, shall divide the state, by counties, into four districts, as nearly equal in voting population, and with as convenient limits as may be, in each of which the qualified voters shall elect one judge of the court of appeals: *Provided*, that whenever a vacancy shall occur in said court, from any cause, the general assembly shall have the power to reduce the number of judges and districts; but in no event shall there be less than three judges and districts. Should a change in the number of the judges of the court of appeals be made, the term of office and number of districts shall be so changed as to preserve the principle of electing one judge every two years.

§ 5. The judges shall, by virtue of their offices, be conservators of the peace throughout the state. The style of all process shall be, "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Kentucky, and conclude "against the peace and dignity of the same."

§ 6. The judges first elected shall serve as follows, to wit: one shall serve until the first Monday in August, 1852; one until the first Monday in August, 1854; one until the first Monday in August, 1856; and one until the first Monday in August, 1858. The judges, at the first term of the court succeeding their election, shall determine, by lot, the length of time which each one shall serve; and at the expiration of the service of each, an election in the proper district shall take place to fill the vacancy. The judge having the shortest time to serve shall be styled the chief justice of Kentucky.

§ 7. If a vacancy shall occur in said court from any cause, the governor shall issue a writ of election to the proper district to fill such a vacancy for the residue of the term: *Provided*, that if the unexpired term be less than one year, the governor shall appoint a judge to fill such vacancy.

§ 8. No person shall be eligible to the office of judge of the court of appeals, who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practising

lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practised law, shall not be equal to eight years.

§ 9. The court of appeals shall hold its sessions at the seat of government, unless otherwise directed by law; but the general assembly may, from time to time, direct that said court shall hold sessions in any one or more of said districts.

§ 10. The first election of the judges and clerk or clerks of the court of appeals shall take place on the second Monday in May, 1851, and thereafter, in each district, as a vacancy may occur by the expiration of the term of office; and the judges of the said court shall be commissioned by the governor.

§ 11. There shall be elected, by the qualified voters of this state, a clerk of the court of appeals, who shall hold his office, from the first election, until the first Monday in August, 1858, and thereafter for the term of eight years from and after his election; and should the general assembly provide for holding the court of appeals in any one or more of said districts, they shall also provide for the election of a clerk by the qualified voters of such district, who shall hold his office for eight years, possess the same qualifications and be subject to removal in the same manner as the clerk of the court of appeals; but if the general assembly shall, at its first or any other session, direct the court of appeals to hold its sessions in more than one district, a clerk shall be elected by the qualified voters of such district. And the clerk, first provided for in this section, shall be elected by the qualified voters of the other district or districts. The same principle shall be observed whenever the court shall be directed to hold its sessions in either of the other districts. Should the number of judges be reduced, the term of the office of clerk shall be six years.

§ 12. No person shall be eligible to the office of clerk of the court of appeals, unless he be a citizen of the United States, a resident of the state two years next preceding his election, of the age of twenty-one years, and have a certificate from a judge of the court of appeals, or a judge of the circuit court, that he has been examined

by the clerk of his court, under his supervision, and that he is qualified for the office for which he is a candidate.

§ 13. Should a vacancy occur in the office of clerk of the court of appeals, the governor shall issue a writ of election, and the qualified voters of the state, or of the district in which the vacancy may occur, shall elect a clerk of the court of appeals, to serve until the end of the term for which such clerk was elected: *Provided*, that when a vacancy shall occur from any cause, or the clerk be under charges upon information, the judges of the court of appeals shall have power to appoint a clerk *pro tem.*, to perform the duties of clerk until such vacancy shall be filled or the clerk acquitted: *And provided further*, that no writ of election shall issue to fill a vacancy unless the unexpired term exceed one year.

§ 14. The general assembly shall direct, by law, the mode and manner of conducting and making due returns to the secretary of state, of all elections of the judges and clerk or clerks of the court of appeals, and of determining contested elections of any of these officers.

§ 15. The general assembly shall provide for an additional judge or judges, to constitute, with the remaining judge or judges, a special court for the trial of such cause or causes as may, at any time, be pending in the court of appeals, on the trial of which a majority of the judges cannot sit, on account of interest in the event of the cause, or on account of their relationship to either party, or when a judge may have been employed in or decided the cause in the inferior court.

CONCERNING THE CIRCUIT COURTS.

§ 16. A circuit court shall be established in each county now existing, or which may hereafter be erected, in this commonwealth.

§ 17. The jurisdiction of said court shall be and remain as now established, hereby giving to the general assembly the power to change or alter it.

§ 18. The right to appeal or sue out a writ of error to the court of appeals shall remain as it now exists, until

altered by law, hereby giving to the general assembly the power to change, alter, or modify said right.

§ 19. At the first session after the adoption of this constitution, the general assembly shall divide the state into twelve judicial districts, having due regard to business, territory, and population: *Provided*, that no county shall be divided.

§ 20. They shall, at the same time that the judicial districts are laid off, direct elections to be held in each district, to elect a judge for said district, and shall prescribe in what manner the election shall be conducted. The first election of judges of the circuit court shall take place on the second Monday in May, 1851, and afterwards on the first Monday in August, 1856, and on the first Monday in August in every sixth year thereafter.

§ 21. All persons qualified to vote for members of the general assembly, in each district, shall have the right to vote for judges.

§ 22. No person shall be eligible as judge of the circuit court who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practising lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practised law, shall not be equal to eight years.

§ 23. The judges of the circuit court shall, after their first term, hold their office for the term of six years from the day of their election. They shall be commissioned by the governor, and continue in office until their successors be qualified, but shall be removable from office in the same manner as the judges of the court of appeals; and the removal of a judge from his district shall vacate his office.

§ 24. The general assembly, if they deem it necessary, may establish one additional district every four years; but the judicial districts shall not exceed sixteen, until the population of this state shall exceed one million five hundred thousand.

§ 25. The judges of the circuit courts shall, at stated times, receive for their services an adequate compensation,

to be fixed by law, which shall be equal and uniform throughout the state, and which shall not be diminished during the time for which they were elected.

§ 26. If a vacancy shall occur in the office of judge of the circuit court, the governor shall issue a writ of election to fill such vacancy for the residue of the term: *Provided*, that if the unexpired term be less than one year, the governor shall appoint a judge to fill such vacancy.

§ 27. The judicial districts of this state shall not be changed, except at the first session after an enumeration, unless when a new district may be established.

§ 28. The general assembly shall provide by law for holding circuit courts, when, from any cause, the judge shall fail to attend, or, if in attendance, cannot properly preside.

CONCERNING COUNTY COURTS.

§ 29. A county court shall be established in each county now existing, or which may hereafter be erected, within this commonwealth, to consist of a presiding judge, and two associate judges, any two of whom shall constitute a court for the transaction of business: *Provided*, the general assembly may at any time abolish the office of the associate judges, whenever it shall be deemed expedient; in which event they may associate with said court any or all of the justices of the peace for the transaction of business.

§ 30. The judges of the county court shall be elected by the qualified voters in each county, for the term of four years, and shall continue in office until their successors be duly qualified, and shall receive such compensation for their services as may be provided by law.

§ 31. The first election of county court judges shall take place at the same time of the election of judges of the circuit court. The presiding judge first elected shall hold his office until the first Monday in August, 1854. The associate judges shall hold their offices until the first Monday in August, 1852, and until their successors be qualified; and afterwards elections shall be held on the first Mondays in August, in the years in which vacancies regularly occur.

§ 32. No person shall be eligible to the office of pre-

siding or associate judge of the county court, unless he be a citizen of the United States, over twenty-one years of age, and shall have been a resident of the county in which he shall be chosen one year next preceding the election.

§ 33. The jurisdiction of the county court shall be regulated by law, and, until changed, shall be the same now vested in the county courts of this state.

§ 34. Each county in this state shall be laid off into districts of convenient size, as the general assembly may, from time to time, direct. Two justices of the peace shall be elected in each district, by the qualified voters therein, at such time and place as may be prescribed by law, for the term of four years, whose jurisdiction shall be coextensive with the county: no person shall be eligible as a justice of the peace, unless he be a citizen of the United States, twenty-one years of age, and a resident of the district in which he may be a candidate.

§ 35. Judges of the county court, and justices of the peace, shall be conservators of the peace. They shall be commissioned by the governor. County and district officers shall vacate their offices by removal from the district or county in which they shall be appointed. The general assembly shall provide, by law, the manner of conducting and making due return of all elections of judges of the county court and justices of the peace, and for determining contested elections, and provide the mode of filling vacancies in these offices.

§ 36. Judges of the county court and justices of the peace, sheriffs, coroners, surveyors, jailers, county assessor, attorney for the county, and constables, shall be subject to indictment or presentment for malfeasance or misfeasance in office, or wilful neglect in the discharge of their official duties, in such mode as may be prescribed by law, subject to appeal to the court of appeals; and, upon conviction, their offices shall become vacant.

§ 37. The general assembly may provide, by law, that the justices of the peace in each county shall sit at the court of claims and assist in laying the county levy and making appropriations only.

§ 38. When any city or town shall have a separate representation, such city or town, and the county in which

it is located, may have such separate municipal courts and executive and ministerial officers as the general assembly may, from time to time, provide.

§ 39. The clerks of the court of appeals, circuit and county courts, shall be removable from office by the court of appeals, upon information and good cause shown. The court shall be judges of the fact as well as the law. Two-thirds of the members present must concur in the sentence.

§ 40. The Louisville chancery court shall exist under this constitution, subject to repeal, and its jurisdiction to enlargement and modification by the general assembly. The chancellor shall have the same qualifications as a circuit court judge, and the clerk of said court as a clerk of a circuit court, and the marshal of said court as a sheriff; and the general assembly shall provide for the election, by the qualified voters within its jurisdiction, of the chancellor, clerk, and marshal of said court, at the same time that the judge and clerk of the circuit court are elected for the county of Jefferson, and they shall hold their offices for the same time, and shall be removable in the same manner: *Provided*, that the marshal of said court shall be ineligible for the succeeding term.

§ 41. The city court of Louisville, the Lexington city court, and all other police courts established in any city or town, shall remain, until otherwise directed by law, with their present powers and jurisdictions; and the judges, clerks, and marshals of such courts shall have the same qualifications, and shall be elected by the qualified voters of such cities or towns, at the same time, and in the same manner, and hold their offices for the same term, as county judges, clerks, and sheriffs, respectively, and shall be liable to removal in the same manner. The general assembly may vest judicial powers, for police purposes, in mayors of cities, police judges, and trustees of towns.

ARTICLE 5.—*Concerning Impeachments.*

§ 1. The house of representatives shall have the sole power of impeachment.

§ 2. All impeachments shall be tried by the senate When sitting for that purpose, the senators shall be upon

oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

§ 3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial, and punishment by law.

Article 6.—*Concerning Executive and Ministerial Officers for Counties and Districts.*

§ 1. A commonwealth's attorney for each judicial district, and a circuit court clerk for each county, shall be elected, whose term of office shall be the same as that of the circuit judges; also, a county court clerk, an attorney, surveyor, coroner, and jailer, for each county, whose term of office shall be the same as that of the presiding judge of the county court.

§ 2. No person shall be eligible to the offices mentioned in this article, who is not at the time twenty-four years old, (except clerks of county and circuit courts, sheriffs, constables, and county attorneys, who shall be eligible at the age of twenty-one years,) a citizen of the United States, and who has not resided two years next preceding the election, in the state, and one year in the county or district for which he is a candidate. No person shall be eligible to the office of commonwealth's or county attorney, unless he shall have been a licensed practising attorney for two years. No person shall be eligible to the office of clerk unless he shall have procured from a judge of the court of appeals, or a judge of the circuit court, a certificate that he has been examined by the clerk of his court, under his supervision, and that he is qualified for the office for which he is a candidate.

§ 3. The commonwealth's attorney and circuit court clerk shall be elected at the same time as the circuit judge, —the commonwealth's attorney by the qualified voters of the district, the circuit court clerk by the qualified voters of the county. The county attorney, clerk, surveyor,

coroner, and jailer, shall be elected at the same time, and in the same manner, as the presiding judge of the county court.

§ 4. A sheriff shall be elected in each county, by the qualified voters thereof, whose term of office shall, after the first term, be two years, and until his successor be qualified; and he shall be re-eligible for a second term; but no sheriff shall, after the expiration of the second term, be re-eligible, or act as deputy, for the succeeding term. The first election of sheriff shall be on the second Monday in May, 1851; and the sheriffs then elected shall hold their offices until the first Monday in January, 1853, and until their successors be qualified; and on the first Monday in August, 1852, and on the first Monday of August in every second year thereafter, elections for sheriffs shall be held: *Provided*, that the sheriffs first elected shall enter upon the duties of their respective offices on the first Monday in June, 1851, and after the first election on the first Monday in January next succeeding their election.

§ 5. A constable shall be elected in every justice's district, who shall be chosen for two years, at such time and place as may be provided by law, whose jurisdiction shall be coextensive with the county in which he may reside.

§ 6. Officers for towns and cities shall be elected for such terms, and in such manner, and with such qualifications, as may be prescribed by law.

§ 7. Vacancies in offices under this article shall be filled, until the next regular election, in such manner as the general assembly may provide.

§ 8. When a new county shall be erected, officers for the same, to serve until the next stated election, shall be elected or appointed in such way and at such times as the general assembly may prescribe.

§ 9. Clerks, sheriffs, surveyors, coroners, constables, and jailers, and such other officers as the general assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as shall be prescribed by law.

§ 10. The general assembly may provide for the election

or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as shall, from time to time, be necessary and proper.

§ 11. A county assessor shall be elected in each county at the same time and for the same term that the presiding judge of the county court is elected, until otherwise provided for by law. He shall have power to appoint such assistants as may be necessary and proper.

ARTICLE 7.—*Concerning the Militia.*

§ 1. The militia of this commonwealth shall consist of all free, able-bodied male persons (negroes, mulattoes, and Indians excepted) resident in the same, between the ages of eighteen and forty-five years; except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this state; but those who belong to religious societies whose tenets forbid them to carry arms shall not be compelled to do so, but shall pay an equivalent for personal services.

§ 2. The governor shall appoint the adjutant-general, and his other staff-officers; the major-generals, brigadier-generals, and commandants of regiments, shall, respectively, appoint their staff-officers; and commandants of companies shall appoint their non-commissioned officers.

§ 3. All militia officers, whose appointment is not herein otherwise provided for, shall be elected by persons subject to military duty, within their respective companies, battalions, regiments, brigades, and divisions, under such rules and regulations, and for such terms, not exceeding six years, as the general assembly may, from time to time, direct and establish.

ARTICLE 8.—*General Provisions.*

§ 1. Members of the general assembly, and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or

affirm, as the case may be) that I will support the constitution of the United States, and the constitution of this state, and be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my abilities, the office of , according to law; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this state, have not fought a duel, with deadly weapons, within this state nor out of it, with a citizen of this state, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this state; nor have I acted as second in carrying a challenge, or aided or assisted any person thus offending: so help me God.

§ 2. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act or his own confession in open court.

§ 3. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat to procure his election.

§ 4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other crimes or high misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

§ 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law; nor shall any appropriations of money for the support of an army be made for a longer time than two years, and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

§ 6. The general assembly may direct, by law, in what manner, and in what courts, suits may be brought against the commonwealth.

§ 7. The manner of administering an oath or affirmation

shall be such as is most consistent with the conscience of the deponent and shall be esteemed by the general assembly the most solemn appeal to God.

§ 8. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the state of Virginia, and which are of a general nature, and not local to that state, and not repugnant to this constitution nor to the laws which have been enacted by the general assembly of this commonwealth, shall be in force within this state, until they shall be altered or repealed by the general assembly.

§ 9. The compact with the state of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this constitution.

§ 10. It shall be the duty of the general assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

§ 11. All civil officers for the commonwealth at large shall reside within the state, and all district, county, or town officers, within their respective districts, counties, or towns, (trustees of towns excepted,) and shall keep their offices at such places therein as may be required by law: and all militia officers shall reside in the bounds of the division, brigade, regiment, battalion, or company, to which they may severally belong.

§ 12. Absence on the business of this state, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this commonwealth, under the exception contained in this constitution.

§ 13. It shall be the duty of the general assembly to regulate, by law, in what cases, and what deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

§ 14. Returns of all elections by the people shall be made to the secretary of state for the time-being, except in those cases otherwise provided for in this constitution, or which shall be otherwise directed by law.

§ 15. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be personally and publicly given, *viva voce: Provided*, that dumb persons, entitled to suffrage, may vote by ballot.

§ 16. All elections by the people shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

§ 17. The general assembly shall, by law, prescribe the time when the several officers authorized or directed by this constitution to be elected or appointed shall enter upon the duties of their respective offices, except where the time is fixed by this constitution.

§ 18. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this commonwealth, or hold or exercise any office of trust or profit under the same.

§ 19. The general assembly shall direct, by law, how persons who now are, or who may hereafter become, securities for public officers, may be relieved or discharged on account of such securityship.

§ 20. Any person who shall, after the adoption of this constitution, either directly or indirectly, give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat, with a citizen of this state, with any deadly weapon, either in or out of the state, shall be deprived of the right to hold any office of honor or profit in this commonwealth, and shall be punished otherwise in such manner as the general assembly may prescribe by law.

§ 21. The governor shall have power, after five years from the time of the offence, to pardon all persons who shall have in any wise participated in a duel, either as principals, seconds, or otherwise, and to restore him or them to all the rights, privileges, and immunities to which he or they were entitled before such participation. And upon the presentation of such pardon, the oath prescribed in the first section of this article shall be varied to suit the case.

§ 22. At its first session after the adoption of this constitution the general assembly shall appoint not more than three persons, learned in the law, whose duty it shall be to revise and arrange the statute laws of this commonwealth, both civil and criminal, so as to have but one law on any one subject; and also three other persons, learned in the law, whose duty it shall be to prepare a code of practice for the courts, both civil and criminal, in this commonwealth, by abridging and simplifying the rules of practice and laws in relation thereto; all of whom shall, at as early a day as practicable, report the result of their labors to the general assembly, for their adoption or modification.

§ 23. So long as the board of internal improvement shall be continued, the president thereof shall be elected by the qualified voters of this commonwealth, and hold the office for the term of four years, and until another be duly elected and qualified. The election shall be held at the same time, and be conducted in the same manner, as the election of governor of this commonwealth under this constitution; but nothing herein contained shall prevent the general assembly from abolishing said board of internal improvement, or the office of president thereof.

§ 24. The general assembly shall provide, by law, for the trial of any contested election of auditor, register, treasurer, attorney-general, judges of circuit courts, and all other officers not otherwise herein specified.

§ 25. The general assembly shall provide by law for the making of the returns, by the proper officers, of the election of all officers to be elected under this constitution; and the governor shall issue commissions to the auditor, register, treasurer, president of the board of internal improvement, superintendent of public instruction, and such other officers as he may be directed, by law, to commission, as soon as he has ascertained the result of the election of those officers respectively.

§ 26. When a vacancy shall happen in the office of attorney-general, auditor of public accounts, treasurer, register of the land-office, president of the board of internal improvement, or superintendent of public instruction, the governor, in the recess of the senate, shall have

power to fill the vacancy by granting commissions which shall expire at the end of the next session, and shall fill the vacancy for the balance of the time by and with the advice and consent of the senate.

ARTICLE 9.—*Concerning the Seat of Government.*

The seat of government shall continue in the city of Frankfort, until it shall be removed by law: *Provided, however,* that two-thirds of all the members elected to each house of the general assembly shall concur in the passage of such law.

ARTICLE 10.—*Concerning Slaves.*

§ 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated, and providing for their removal from the state. They shall have no power to prevent immigrants to this state from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state. They shall pass laws to permit owners of slaves to emancipate them, saving the rights of creditors, and to prevent them from remaining in this state after they are emancipated. They shall have full power to prevent slaves being brought into this state as merchandise. They shall have full power to prevent slaves being brought into this state, who have been, since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be, imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity; to provide for them necessary clothing and provision; to abstain from all injuries to them, extending to life or limb; and, in case of their neglect or refusal to comply with the direc-

tions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

§ 2. The general assembly shall pass laws providing that any free negro or mulatto hereafter immigrating to, and any slave hereafter emancipated in and refusing to leave, this state, or, having left, shall return and settle within this state, shall be deemed guilty of felony, and punished by confinement in the penitentiary thereof.

§ 3. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary; but the proceedings in such prosecutions shall be regulated by law, except that the general assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

Article 11.—*Concerning Education.*

§ 1. The capital of the fund called and known as the "Common-School Fund," consisting of one million two hundred and twenty-five thousand seven hundred and sixty-eight dollars and forty-two cents, for which bonds have been executed by the state to the board of education, and seventy-three thousand five hundred dollars of stock in the Bank of Kentucky; also, the sum of fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents, balance of interest on the school-fund for the year 1848, unexpended, together with any sum which may be hereafter raised in the state by taxation, or otherwise, for the purposes of education, shall be held inviolate, for the purpose of sustaining a system of common schools. The interest and dividends of said funds, together with any sum which may be produced for that purpose by taxation or otherwise, may be appropriated in aid of common schools, but for no other purpose. The general assembly shall invest said fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents in some safe and profitable manner; and any portion of the interest and dividends of said school fund, or other money or property raised for school purposes, which may not be needed in sustaining common schools, shall be invested in like manner. The general assembly shall make provision,

by law, for the payment of the interest of said school fund: *Provided,* that each county shall be entitled to its proportion of the income of said fund, and, if not called for, for common-school purposes, it shall be reinvested from time to time for the benefit of such county.

§ 2. A superintendent of public instruction shall be elected by the qualified voters of this commonwealth, at the same time the governor is elected, who shall hold his office for four years, and his duties and salary shall be prescribed and fixed by law.

ARTICLE 12.—*Mode of Revising the Constitution.*

§ 1. When experience shall point out the necessity of amending this constitution, and when a majority of all the members elected to each house of the general assembly shall, within the first twenty days of any regular session, concur in passing a law for taking the sense of the good people of this commonwealth as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other officers of elections, at the next general election which shall be held for representatives to the general assembly after the passage of such law, to open a poll for, and make return to the secretary of state for the time-being, of the names of all those entitled to vote for representatives, who have voted for calling a convention; and if, thereupon, it shall appear that a majority of all the citizens of this state entitled to vote for representatives have voted for calling a convention, the general assembly shall, at their next regular session, direct that a similar poll shall be opened, and return made for the next election for representatives; and if, thereupon, it shall appear that a majority of all the citizens of this state entitled to vote for representatives have voted for calling a convention, the general assembly shall, at their next session, pass a law calling a convention, to consist of as many members as there shall be in the house of representatives, and no more, to be chosen on the first Monday in August thereafter, in the same manner and proportion, and at the same places, and possessed of the same qualifications of a qualified elector,

by citizens entitled to vote for representatives; and to meet within three months after their election, for the purpose of readopting, amending, or changing this constitution; but if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives did not vote for calling a convention, a convention shall not then be called. And for the purpose of ascertaining whether a majority of the citizens entitled to vote for representatives did or did not vote for calling a convention, as above, the general assembly passing the law authorizing such vote shall provide for ascertaining the number of citizens entitled to vote for representatives within the state.

§ 2. The convention, when assembled, shall judge of the election of its members and decide contested elections; but the general assembly shall, in calling a convention, provide for taking testimony in such cases and for issuing a writ of election in case of a tie.

ARTICLE 13.—*Bill of Rights.*

That the general, great, and essential principles of liberty and free government may be recognised and established; WE DECLARE,—

§ 1. That all freemen, when they form a social compact, are equal, and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services.

§ 2. That absolute, arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic,—not even in the largest majority.

§ 3. The right of property is before and higher than any constitutional sanction; and the right of the owner of a slave to such slave, and its increase, is the same, and as inviolable, as the right of the owner of any property whatever.

§ 4. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, happiness, security, and the protection of property. For the advancement of these

ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

§ 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority ought, in any case whatever, to control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious societies or modes of worship.

§ 6. That the civil rights, privileges, or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

§ 7. That all elections shall be free and equal.

§ 8. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this constitution.

§ 9. That printing-presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

§ 10. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

§ 11. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches, and that no warrant to search any place, or to seize any person or thing, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

§ 12. That in all criminal prosecutions the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

§ 13. That no person shall, for any indictable offence, be proceeded against criminally, by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

§ 14. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being previously made to him.

§ 15. That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered, without sale, denial, or delay.

§ 16. That no power of suspending laws shall be exercised, unless by the general assembly or its authority.

§ 17. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

§ 18. That all prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 19. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

§ 20. That no *ex post facto* law, nor any law impairing contracts, shall be made.

§ 21. That no person shall be attainted of treason or felony by the general assembly.

§ 22. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth.

§ 23. That the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and, if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

§ 24. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

§ 25. That the rights of the citizens to bear arms in defence of themselves and the state shall not be questioned; but the general assembly may pass laws to prevent persons from carrying concealed arms.

§ 26. That no standing army shall, in time of peace, be kept up, without the consent of the general assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

§ 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

§ 28. That the general assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer time than for a term of years.

§ 29. That emigration from the state shall not be prohibited.

§ 30. To guard against transgressions of the high powers which we have delegated, WE DECLARE that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

§ 1. That all the laws of this commonwealth in force at the time of the adoption of this constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if this constitution had not been adopted.

§ 2. The oaths of office herein directed to be taken may be administered by any judge or justice of the peace, until the general assembly shall otherwise direct.

§ 3. No office shall be superseded by the adoption of this constitution, but the laws of the state relative to the duties of the several officers, legislative, executive, judicial, and military, shall remain in full force, though the same be contrary to this constitution, and the several duties shall be performed by the respective officers of the state, according to the existing laws, until the organization of the government, as provided for under this constitution, and the entering into office of the officers to be elected or appointed under said government, and no longer.

§ 4. It shall be the duty of the general assembly which shall convene in the year 1850 to make an apportionment of the representation of this state, upon the principle set forth in this constitution; and, until the first apportionment shall be made as herein directed, the apportionment of senators and representatives among the several districts and counties in this state shall remain as at present fixed by law: *Provided*, that on the first Monday in August, 1850, all senators shall go out of office, and on that day an election for senators and representatives shall be held throughout the state, and those then elected shall hold their offices for one year, and no longer: *Provided further*, that at the elections to be held in the year 1850, that provision in this constitution which requires voters

to vote in the precinct within which they reside shall not apply.

§ 5. All recognisances heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain as valid as though this constitution had not been adopted, and may be prosecuted in the name of the commonwealth. All criminal prosecutions and penal actions which have arisen, or may arise before the reorganization of the judicial department under this constitution, may be prosecuted to judgment and execution, in the name of the commonwealth.

"We, the representatives of the freemen of Kentucky, in convention assembled, in their name, and by the authority of the commonwealth of Kentucky, and in virtue of the powers vested in us as delegates from the counties respectively affixed to our names, do ordain and proclaim the foregoing to be the constitution of the commonwealth of Kentucky from and after this day.

"Done at Frankfort this eleventh day of June, in the year of our Lord one thousand eight hundred and fifty, and in the fifty-ninth year of the commonwealth."

JAMES GUTHRIE,
President of the Convention,
and member from the city of Louisville.

THE END.

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